











An Act to legalize, confirm, and declare valid a certain By-law of the Corporation of the City of Kingston.

WHEREAS the corporation of the city of Kingston have, by <sup>Preamble.</sup> their petition, represented that they have, for the purpose of promoting the prosperity of their said city, and with the intention of petitioning the Legislature to pass an Act legalizing, confirming, and declaring valid the same, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, passed a by-law intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," which by-law is set out in schedule A to this Act, and have prayed that an Act may be passed legalizing confirming, and declaring valid the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Kingston, <sup>By-law set out in Schedule A confirmed.</sup> in the preamble to this Act mentioned, intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," passed on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, and set out in schedule A to this Act, is hereby legalized, confirmed, and declared to be valid, notwithstanding that at the time the same was passed the council of the said corporation of the city of Kingston had not the power under the Municipal Act to pass the same, and notwithstanding anything contained in any Act to the contrary thereof.

2. The word "the" secondly occurring in condition (a) to section three of the said by-law shall be read and construed as <sup>Error in by-law amended.</sup> "their."

3. The provisions of the said by-law as amended shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said companies are hereby authorized and empowered to enter into the agreements with the said corporation of the city of Kingston, provided for in condition (a) to section three of the said by-law, and any such agreement already entered into is hereby declared valid and binding. <sup>By-law to have same force as if incorporated in this Act.</sup>

## SCHEDULE A.

A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions.

*Passed 30th April, 1883.*

Whereas, in order to induce the said companies to continue their establishments in this city, and to transact their whole businesses in the Province of Ontario here, it is expedient to exempt from municipal and school taxes, for a period of ten years from the first day of July in the year one thousand eight hundred and eighty-three, the real and personal property of the said Montreal Transportation Company and of the said the Kingston and Montreal Forwarding Company respectively ;

Be it therefore enacted by the council of the corporation of the city of Kingston, as follows :—

1. That the real and personal property in the city of Kingston required and used or held, or which shall be required and used or held, in and for their forwarding and ship-building and repairing (for their own use) businesses by the said the Montreal Transportation Company and the said the Kingston and Montreal Forwarding Company, respectively, shall be exempt from the payment of the municipal and school taxes of and in the city for a period of ten years from and after the first day of July, in the year one thousand eight hundred and eighty-three, subject to the provisions hereinafter contained.

2. That the said exemption from taxes shall cease as to any part of the said real and personal property which shall be sold, or which any of the said companies shall cease to hold or shall have let to any person or corporation, or which any of the said companies do not use or require for their said businesses respectively, and also, if any of the said companies should become insolvent or make an assignment for the benefit of its creditors, or have its property, personal or real, sold under execution, or if any of the said companies cease for six months to be a going concern, or cease or omit to transact its whole business in the Province of Ontario in this city, or fail or omit to observe any of the following conditions, the said exemption from taxes shall from thenceforth cease as to the property of such company.

3. That this by-law is passed subject to the following conditions, on the failure in the observance of either of which this by-law will not take effect, or shall cease to have effect as the case may be, according to the subject matter of the condition.

(a) That the said respective companies shall transact all the businesses to be transacted in the Province of Ontario in the city of Kingston, so far as the same are capable of being transacted in said city, during the said period of exemption, and shall respectively execute an agreement with the city of Kingston to this effect under a penalty of two thousand dollars as liquidated damages.

(b) That this by-law be sanctioned and legalized by an Act of the Legislature of Ontario, to be obtained by and at the expense of the said companies at the next ensuing session of the said Legislature.

4. That this by-law shall not apply to exempt from taxes any real or personal property which is not *bona fide* required, held, and used by the said respective companies in and for the operation of their said businesses.

5. This by-law shall come in force and take effect on the thirtieth day of June next, and shall continue in force until the end of the said period of ten years from the first day of July next, provided condition (a) of section three continues to be fulfilled according to the true intent and meaning of this by-law by the said companies respectively, and no longer as to any company making default therein.

No. 1.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to legalize, confirm, and declare valid a certain By-law of the Corporation of the City of Kingston.

First Reading,	1884.
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(*PRIVATE BILL.*)

Mr.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.



An Act to legalize, confirm, and declare valid a certain By-law of the Corporation of the City of Kingston.

WHEREAS the corporation of the city of Kingston have, by <sup>Preamble.</sup> their petition, represented that they have, for the purpose of promoting the prosperity of their said city, and with the intention of petitioning the Legislature to pass an Act legalizing, confirming, and declaring valid the same, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, passed a by-law intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," which by-law is set out in schedule A to this Act, and have prayed that an Act may be passed legalizing, confirming, and declaring valid the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Kingston, <sup>By-law set out in Schedule A confirmed.</sup> in the preamble to this Act mentioned, intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," passed on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, *a copy whereof is set out in schedule A to this Act*, is hereby legalized, confirmed, and declared to be valid.

2. The word "the" secondly occurring in condition (a) to section three of the said by-law shall be read and construed as "their." <sup>Error in by-law amended.</sup>

3. The provisions of the said by-law as amended shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said companies are hereby authorized and empowered to enter into the agreements with the said corporation of the city of Kingston, provided for in condition (a) to section three of the said by-law, <sup>By-law to have same force as if incorporated in this Act.</sup> as hereby amended and any such agreement already entered into is hereby declared valid and binding.

## SCHEDULE A.

A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions.

*Passed 30th April, 1883.*

Whereas, in order to induce the said companies to continue their establishments in this city, and to transact their whole businesses in the Province of Ontario here, it is expedient to exempt from municipal and school taxes, for a period of ten years from the first day of July in the year one thousand eight hundred and eighty-three, the real and personal property of the said *The Montreal Transportation Company* and of the said *the Kingston and Montreal Forwarding Company* respectively ;

Be it therefore enacted by the council of the corporation of the city of Kingston, as follows :—

1. That the real and personal property in the city of Kingston required and used, or held, or which shall be required and used or held, in and for their forwarding and ship-building and repairing (for their own use) businesses by the said the Montreal Transportation Company and the said the Kingston and Montreal Forwarding Company, respectively, shall be exempt from the payment of the municipal and school taxes of and in the city for a period of ten years from and after the first day of July, in the year one thousand eight hundred and eighty-three, subject to the provisions hereinafter contained.

2. That the said exemption from taxes shall cease as to any part of the said real and personal property which shall be sold, or which any of the said companies shall cease to hold or shall have let to any person or corporation, or which any of the said companies do not use or require for their said businesses respectively, and also, if any of the said companies should become insolvent or make an assignment for the benefit of its creditors, or have its property, personal or real, sold under execution, or if any of the said companies cease for six months to be a going concern, or cease or omit to transact its whole business in the Province of Ontario in this city, or fail or omit to observe any of the following conditions, the said exemption from taxes shall from thenceforth cease as to the property of such company.

3. That this by-law is passed subject to the following conditions, on the failure in the observance of either of which this by-law will not take effect, or shall cease to have effect as the case may be, according to the subject matter of the condition.

(a) That the said respective companies shall transact all the businesses to be transacted in the Province of Ontario in the city of Kingston, so far as the same are capable of being transacted in said city, during the said period of exemption, and shall respectively execute an agreement with the city of Kingston to this effect under a penalty of two thousand dollars as liquidated damages.

(b) That this by-law be sanctioned and legalized by an Act of the Legislature of Ontario, to be obtained by and at the expense of the said companies at the next ensuing session of the said Legislature.



4. That this by-law shall not apply to exempt from taxes any real or personal property which is not *bona fide* required, held, and used by the said respective companies in and for the operation of their said businesses.

5. This by-law shall come in force and take effect on the thirtieth day of June next, and shall continue in force until the end of the said period of ten years from the first day of July next, provided condition (a) of section three continues to be fulfilled according to the true intent and meaning of this by-law by the said companies respectively, and no longer as to any company making default therein.

(Signed)

M. FLANAGAN,  
*City Clerk.*

(Signed)

C. LIVINGSTON, [L.S.]  
*Mayor.*

No. 1.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to legalize, confirm, and declare  
valid a certain By-law of the Corporation  
of the City of Kingston.

*(Reprinted as amended.)*

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First Reading, 13th February, 1884.

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*(PRIVATE BILL.)*

Mr. METCALFE.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to incorporate the Town of Port Arthur.

WHEREAS the district hereinafter described is rapidly increasing in population, and as the Lake terminus of the Canada Pacific Railway is becoming a manufacturing point and a shipping port of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Shuniah and formed into a corporate town, and the council of the municipality of Shuniah have by their petition represented that the incorporation of the said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district hereafter described shall be separated from the municipality of Shuniah, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of "The Corporation of the Town of Port Arthur;" and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province (except where otherwise provided by this Act).

2. The said Town of Port Arthur shall consist of the lands lying within the limits described as follows, that is to say:— Commencing at the point where the southern limit of the Township of McIntyre intersects the water's edge of Thunder Bay; then west, along the said southern limit, to the centre line of section fifty-four; then north, along the centre lines of sections fifty-four, forty-nine and forty-one, to the south limit of location N; then east, along the said south limit, to the south-east angle of said location N; then north, along the east limits of said location N and R<sup>1</sup>; to the north-east angle of said location R<sup>1</sup>; then east along the north limits of locations R<sup>2</sup> and R<sup>3</sup>, to the west limit of location seventeen; then north, along the said west limit, to the north-west angle thereof; then east, along the north limits of locations seventeen, sixteen and fifteen, to the west limit of location ten; then north, along the said west limit, to the north-west angle thereof; then east, along the north limits of locations ten, nine, eight and A, to the boundary between the Townships of McIntyre and McGregor; then south, along said boundary line, to the north-west angle of location

five, Herrick's survey in the Township of McGregor; thence east, along the northern limit of said location five, to the west limit of location three; then north, along the said west limit, to the north-west angle thereof; then east, along the northern limit thereof, to the west limit of location one; then north, 5 along the said west limit, to the north-west angle thereof; then east, along the northern limit thereof, to the north-east angle thereof; then south, along the east limits of locations one and two, to the shore of Thunder Bay; then following the several boundaries of the shore in a general south-westerly direction 10 to the place of beginning; together with the water lots on Thunder Bay in front of the said lands.

Wards.

**3.** The said town shall be divided into three wards, to be called respectively, the first, the second and the third wards, which said several wards shall be respectively composed and bounded 15 as follows:—The first ward shall be composed of that portion of the present village of Prince Arthur's Landing, described as follows:—Commencing at the intersection of the northerly limit of Pearl Street, with the easterly limit of High Street; then northerly, along said easterly limit of High Street, to the 20 northerly limit of Van Norman Street; then easterly, along the northerly limit of Van Norman Street, to its intersection with the westerly limit of Algoma Street, thence northerly, along said westerly limit of Algoma Street, to the alignment of northerly limit of Cameron Street; thence easterly, along said 25 northerly limit of Cameron Street and Cameron Street produced, to the easterly limits of water lots in Prince Arthur's Landing, as established by the Commissioner of Crown Lands; then southerly, along the said easterly limit of the said water lots, to the northerly limit of Pearl Street produced; then 30 westerly, along the said produced line and the northerly limit of Pearl Street and said limit produced to the place of beginning; the second ward shall be composed of that portion of the said town lying to the south of the Red River Road, not embraced in the first ward; and the third ward shall be com- 35 posed of that portion of the said town lying to the north of the Red River Road, not embraced in the first ward.

Acts respecting municipal institutions to apply.

**4.** Except as otherwise provided by this Act, the provisions of the Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations 40 shall apply to the said Town of Port Arthur in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

Nomination for first election.

**5.** On the third Monday after the passing of this Act it shall 45 be lawful for the Stipendiary Magistrate for the time being of the district of Thunder Bay, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at the town hall in the said Town of Port Arthur; and he shall preside at the said nomi- 55 nation, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the 60 week following the said nomination; and the returning officer

Polling.



or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint  
 5 a deputy-returning officer for each of the wards into which the said town is divided ; and such returning officer and each of such deputy-returning officers shall before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act ; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy Returning officers.  
 Oaths.  
 Powers of Returning officer.

7. The clerk of the said municipality of Shuniah and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much  
 20 of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose ; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of Shuniah to forward copy of assessment roll.

8. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward ; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following  
 35 the week of the said nomination ; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the Municipal Act of Ontario ; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.  
 Elections.  
 Powers and liabilities.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification  
 45 now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office and qualification.

10. At the first election of mayor, and councillors for the said town of Port Arthur, the qualification of electors, and that of officers required to qualify, shall be the same as that  
 50 required in the Municipality of Shuniah.

Qualification at first election.

11. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the

Expenses of Act.

said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

By-laws continued.

**12.** All by-laws and municipal regulations which are in force in the municipality of Shuniah, shall continue and be in force as if they had been passed by the corporation of the town of Port Arthur, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation. 5

Property and liabilities of Shuniah.

**13.** The property, assets, debts, liabilities and obligations of the municipality of Shuniah shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and the award of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities. 25

Arbitration.

Appointment of arbitrators.

Revised roll of 1875-6 to be basis of settlement in respect of railway bonus

**14.** The revised assessment roll of the municipality of Shuniah for the year of our Lord one thousand eight hundred and seventy-five-six shall be taken for the basis upon which the properties embraced in the said town of Port Arthur are to be valued for the purpose of settling the share of indebtedness by the town to the municipality of Shuniah, under the railway bonus of the said municipality. 30

Collection of taxes in arrear.

**15.** Arrears of taxes due to the said the corporation of the town of Port Arthur shall be collected and managed in the same way as the arrears due to municipalities in counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the wardens and treasurers thereof; and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Port Arthur, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. 40

Time for assessment for 1884.

**16.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, one thousand eight hundred and eighty-four between the first day of March and the first day of August, one thousand eight hundred and eighty-four. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day. 45 50

**17.** Until there shall be a resident Judge at Port Arthur for the District of Thunder Bay, the stipendiary magistrate of the said District for the time being shall have and exercise all the powers of the Judge of the County Court under the 5 existing municipal laws of the Province of Ontario.

Stipendiary  
Magistrate to  
act as Judge  
in Municipal  
matters.

**18.** The council of the said town may pass by-laws for the regulation of the laying out of streets on the sub-division into lots of lands within the limits of the said town, and may from time to time alter, repeal and amend the same.

By-laws to  
regulate lay  
ing out of  
streets.

10 **19.** The parcel of land in the said town known as Waverly Park, lying between Arthur and Waverly Streets, and shewn on the Government Plan of the town plot of Prince Arthur's Landing, is hereby vested in the corporation of the town of Port Arthur and their successors forever.

Waverly  
Park vested in  
Town.

No. 2.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to incorporate the Town of Port  
Arthur.

First Reading,                      , 1884.

(*PRIVATE BILL.*)

Mr. LYON.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Town of Port Arthur.

WHEREAS the district hereinafter described is rapidly Preamble.  
increasing in population, and is becoming a manufactur-  
ing point and a shipping port of considerable importance; and  
whereas the inhabitants of the said district have petitioned  
5 be separated from the municipality of Shuniah and formed into  
a corporate town, and the council of the municipality of Shuniah  
have by their petition represented that the incorporation of the  
said district as a town would promote its future progress and  
prosperity, and enable its inhabitants to make suitable regula-  
10 tions for the protection and improvement of property, and have  
prayed for its incorporation accordingly; and whereas it is ex-  
pedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

1. On and after the passing of this Act, the district here- Town Incor-  
after described shall be separated from the municipality of porated.  
Shuniah, and the inhabitants thereof shall be, and they hereby  
are, constituted a corporation or body politic, under the name of  
20 “The Corporation of the Town of Port Arthur;” and shall enjoy  
and have all the rights, powers and privileges enjoyed and exer-  
cised by incorporated towns in the Province of Ontario, under  
the existing municipal laws of the said Province (except where  
otherwise provided by this Act).

25 2. The said Town of Port Arthur shall consist of the lands Limits of |  
lying within the limits described as follows, that is to say:— town.  
Commencing at the south-east angle of the Township of Mc-  
Intyre, thence westerly along the south limit of the said town-  
ship, to the centre of the south limit of section number fifty-  
30 three, in the said township; then north through and following  
the centre line of sections fifty-three, fifty and forty, to the  
south limit of concession “A,” south of the Dawson  
Road, in the said township, thence along the southern  
limit of the said concession “A,” to the westerly angle  
35 of lot five, in the said concession “A”; thence north-easterly  
along the north-westerly limits of lots five, in concessions A and  
B, to the north-west angle of the said lot five, in concession B,  
north of the said Dawson Road; thence northerly along and  
following the westerly limits of section thirty-five and location  
40 W, to the north-west angle of said location W; thence  
easterly along the northerly limit of the said section  
W, and the line thereof produced to the water’s edge of  
Thunder Bay; thence in a general south-westerly direction  
along and following the shore of Thunder Bay to the place of

beginning, together with the water lots on Thunder Bay, in front of the said lands.

**Wards.**

3. The said town shall be divided into three wards, to be called respectively, the first, the second and the third wards, which said several wards shall be respectively composed and bounded as follows :—The first ward shall be composed of that portion of the present village of Prince Arthur's Landing, described as follows :—Commencing at the intersection of the northerly limit of Pearl Street, with the easterly limit of High Street; then northerly, along said easterly limit of High Street, to the northerly limit of Van Norman Street; then easterly, along the northerly limit of Van Norman Street, to its intersection with the westerly limit of Algoma Street, thence northerly, along said westerly limit of Algoma Street, to the alignment of northerly limit of Cameron Street; thence easterly, along said northerly limit of Cameron Street and Cameron Street produced, to the easterly limits of water lots in Prince Arthur's Landing, as established by the Commissioner of Crown Lands; then southerly, along the said easterly limit of the said water lots, to the northerly limit of Pearl Street produced; then westerly, along the said produced line and the northerly limit of Pearl Street and said limit produced to the place of beginning; the second ward shall be composed of that portion of the said town lying to the south of the Red River Road, not embraced in the first ward; and the third ward shall be composed of that portion of the said town lying to the north of the Red River Road, not embraced in the first ward.

**Acts respecting municipal institutions to apply.**

4. Except as otherwise provided by this Act, the provisions of the "Consolidated Municipal Act, 1883," and of any Act amending the same, with regard to matters consequent upon the formation of new corporations shall apply to the said Town of Port Arthur in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

**Local improvements.**

5. All expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service for which special provisions are made in sections 612 and 624 of the "Consolidated Municipal Act, 1883," shall be by special assessment on the property benefited and not exempt by law from assessment.

**Nomination for first election.**

6. On the fifth Monday after the passing of this Act it shall be lawful for the Stipendiary Magistrate for the time being of the district of Thunder Bay, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, and councillors, at the town hall in the said Town of Port Arthur; and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

**Polling.**

7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said  
 5 election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers  
 10 and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy Returning officers.

Oaths.

Powers of Returning officer.

8. The clerk of the said municipality of Shuniah and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or  
 15 by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or  
 20 with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and  
 25 each such copy shall be verified on oath.

Clerk of Shuniah to forward copy of assessment roll.

9. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same  
 30 day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors and for electors at such subsequent elections  
 35 shall be the same as in towns incorporated under the provisions of the Consolidated Municipal Act, 1883, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils,  
 40 and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Elections.

Powers and liabilities.

10. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by  
 45 persons elected or appointed to like offices in towns.

Oaths of office and qualification.

11. At the first election of mayor, and councillors for the said town of Port Arthur, the qualification of electors, and that of officers required to qualify, shall be the same as that required in the Municipality of Shuniah.

Qualification at first election.

50 12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

Expenses of Act.



By-laws con-  
tinued.

**13.** All by-laws which are in force in the municipality of Shuniah, shall continue and be in force as if they had been passed by the corporation of the town of Port Arthur, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation. 5

Property and  
liabilities of  
Shuniah.

**14.** Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Shuniah shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by 10 the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an 15 arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then 20 the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities. 25

Arbitration.

Appointment  
of arbitrators.

Revised roll of  
1882-3 to be  
basis of settle-  
ment in re-  
spect of rail-  
way bonus.

**15.** The revised assessment roll of the municipality of Shuniah for the year of our Lord one thousand eight hundred and eighty-two-three shall be taken for the basis upon which the properties embraced in the said town of Port Arthur are to be valued for the purpose of settling the share of indebtedness by 30 the town to the municipality of Shuniah, under the railway bonus of the said municipality.

Collection of  
taxes in  
arrear.

**16.** Arrears of taxes due to the said the corporation of the town of Port Arthur shall be collected and managed in the same way as the arrears due to towns separated from counties, and the 35 mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, 40 or to deeds given therefor, shall apply to the said corporation of the town of Port Arthur, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor, subject to the provisions of the Revised Statutes of Ontario, chapter one hundred and seventy-five, section thirty-one. 45

Time for as-  
sessment for  
1884.

**17.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, one thousand eight hundred and eighty-four between the first day of March and the first day of August, one thousand eight hundred and eighty- 50 four. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from 55 that day.

18. Until there shall be a resident Judge at Port Arthur for the District of Thunder Bay, the stipendiary magistrate of the said District for the time being shall have and exercise all the powers of the Judge of the County Court under the  
 5 existing municipal laws of the Province of Ontario.

19. Nothing contained in this Act shall free the townships or wards comprising the municipality of the Town of Port Arthur, hereby formed, from any liability now existing against the municipality of Shuniah, and the creditors of the said  
 10 municipality of Shuniah shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah.

No. 2.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to incorporate the Town of Port  
Arthur.

*(Reprinted for Committee.)*

First Reading, 11th February, 1884.

*(PRIVATE BILL.)*

Mr. LYON.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to incorporate the Town of Port Arthur.

WHEREAS the district hereinafter described is rapidly increasing in population, and is becoming a manufacturing point and a shipping port of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Shuniah and formed into a corporate town, and the council of the municipality of Shuniah have by their petition represented that the incorporation of the said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district hereafter described shall be separated from the municipality of Shuniah, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of “The Corporation of the Town of Port Arthur;” and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province (except where otherwise provided by this Act).

2. The said Town of Port Arthur shall consist of the lands lying within the limits described as follows, that is to say:— Commencing at the south-east angle of the Township of McIntyre, thence westerly along the south limit of the said township, to the centre of the south limit of section number fifty-three, in the said township; then north through and following the centre line of sections fifty-three, fifty and forty, to the south limit of concession “A,” south of the Dawson Road, in the said township, thence along the southern limit of the said concession “A,” to the westerly angle of lot five, in the said concession “A”; thence north-easterly along the north-westerly limits of lots five, in concessions A and B, to the north-west angle of the said lot five, in concession B, north of the said Dawson Road; thence northerly along and following the westerly limits of section thirty-five and location W, to the north-west angle of said location W; thence easterly along the northerly limit of the said section W, and the line thereof produced to the water’s edge of Thunder Bay; thence in a general south-westerly direction along and following the shore of Thunder Bay to the place of



beginning, together with the water lots on Thunder Bay, in front of the said lands.

**Wards.**

3. The said town shall be divided into three wards, to be called respectively, the first, the second and the third wards, which said several wards shall be respectively composed and bounded as follows:—The first ward shall be composed of that portion of the present village of Prince Arthur's Landing, described as follows:—Commencing at the intersection of the northerly limit of Pearl Street, with the easterly limit of High Street; then northerly, along said easterly limit of High Street, to the northerly limit of Van Norman Street; then easterly, along the northerly limit of Van Norman Street, to its intersection with the westerly limit of Algoma Street, thence northerly, along said westerly limit of Algoma Street, to the alignment of northerly limit of Cameron Street; thence easterly, along said northerly limit of Cameron Street and Cameron Street produced, to the easterly limits of water lots in Prince Arthur's Landing, as established by the Commissioner of Crown Lands; then southerly, along the said easterly limit of the said water lots, to the northerly limit of Pearl Street produced; then westerly, along the said produced line and the northerly limit of Pearl Street and said limit produced to the place of beginning; the second ward shall be composed of that portion of the said town lying to the south of the Red River Road, not embraced in the first ward; and the third ward shall be composed of that portion of the said town lying to the north of the Red River Road, not embraced in the first ward.

**Acts respecting municipal institutions to apply.**

4. Except as otherwise provided by this Act, the provisions of the "Consolidated Municipal Act, 1883," and of any Act amending the same, with regard to matters consequent upon the formation of new corporations shall apply to the said Town of Port Arthur in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

**Local improvements.**

5. All expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service for which special provisions are made in sections 612 and 624 of the "Consolidated Municipal Act, 1883," shall be by special assessment on the property benefited and not exempt by law from assessment.

**Nomination for first election.**

6. On the fifth Monday after the passing of this Act it shall be lawful for the Stipendiary Magistrate for the time being of the district of Thunder Bay, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, and councillors, at the town hall in the said Town of Port Arthur; and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

**Polling.**



7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided ; and such returning officer and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act ; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy Re-  
turning off-  
cers.

Oaths.

Powers of  
Returning  
officer.

8. The clerk of the said municipality of Shuniah and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose ; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of  
Shuniah to  
furnish copy  
of assessment  
roll.

9. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward ; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination ; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of the Consolidated Municipal Act, 1883, and any Act amending the same ; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Elections.

Powers and  
liabilities.

10. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office  
and qualifica-  
tion.

11. At the first election of mayor, and councillors for the said town of Port Arthur, the qualification of electors, and that of officers required to qualify, shall be the same as that required in the Municipality of Shuniah.

Qualification  
at first elec-  
tion.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

Expenses of  
Act.

By-laws con-  
tinued.

**13.** All by-laws which are in force in the municipality of Shuniah, shall continue and be in force as if they had been passed by the corporation of the town of Port Arthur, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation. 5

Property and  
liabilities of  
Shuniah.

**14.** Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Shuniah shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by 10 the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an 15 arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then 20 the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities. 25

Arbitration.

Appointment  
of arbitrators.

Revised roll of  
1882-3 to be  
basis of settle-  
ment in re-  
spect of rail-  
way bonus.

**15.** The revised assessment roll of the municipality of Shuniah for the year of our Lord one thousand eight hundred and eighty-two-three shall be taken for the basis upon which the properties embraced in the said town of Port Arthur are to be 30 valued for the purpose of settling the share of indebtedness by the town to the municipality of Shuniah, under the railway bonus of the said municipality.

Collection of  
taxes in  
arrear.

**16.** Arrears of taxes due to the said the corporation of the town of Port Arthur shall be collected and managed in the same 35 way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions 40 of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Port Arthur, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor, subject to the provisions of the Revised Statutes of Ontario, 45 chapter one hundred and seventy-five, section thirty-one.

Time for as-  
sessment for  
1884.



**17.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, one thousand eight hundred and eighty-four between the first day of March and 50 the first day of August, one thousand eight hundred and eighty-four. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the 55 final return by the stipendiary magistrate twelve weeks from that day.

18. Until there shall be a resident Judge at Port Arthur for the District of Thunder Bay, the stipendiary magistrate of the said District for the time being shall have and exercise all the powers of the Judge of the County Court under the  
 5 existing municipal laws of the Province of Ontario.

Stipendiary  
Magistrate to  
act as Judge  
in Municipal  
matters.

19. Nothing contained in this Act shall free the townships or wards comprising the municipality of the Town of Port Arthur, hereby formed, from any liability now existing against the municipality of Shuniah, and the creditors of the said  
 10 municipality of Shuniah shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah.

Rights of  
creditors of  
Shuniah  
protected.

15 20.  All provisions of law relating to the municipality of Shuniah and inconsistent with this Act shall not apply to the town of Port Arthur or the lands within the limit of the said town. 

Provisions of  
law relating to  
Shuniah  
inconsistent  
herewith not  
to apply to  
Port Arthur.

No. 2.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Town of Port  
Arthur.

*(Reprinted as amended.)*

First Reading, 11th February, 1884.

*(PRIVATE BILL.)*

Mr. LYON.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Town of Port Arthur.

WHEREAS the district hereinafter described is rapidly Preamble.

increasing in population, and is becoming a manufacturing point and a shipping port of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Shuniah and formed into a corporate town, and the council of the municipality of Shuniah have by their petition represented that the incorporation of the said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district hereafter described shall be separated from the municipality of Shuniah, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of "The Corporation of the Town of Port Arthur;" and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province (except where otherwise provided by this Act).

2. The said Town of Port Arthur shall consist of the lands lying within the limits described as follows, that is to say:— Limits of town.  
Commencing at the south-east angle of the Township of McIntyre, thence westerly along the south limit of the said township, to the centre of the south limit of section number fifty-three, in the said township; then north through and following the centre line of sections fifty-three, fifty and forty, to the south limit of concession "A," south of the Dawson Road, in the said township, thence along the southern limit of the said concession "A," to the westerly angle of lot five, in the said concession "A"; thence north-easterly along the north-westerly limits of lots five, in concessions A and B, to the north-west angle of the said lot five, in concession B, north of the said Dawson Road; thence northerly along and following the westerly limits of section thirty-five and location W, to the north-west angle of said location W; thence easterly along the northerly limit of the said section W, and the line thereof produced to the water's edge of Thunder Bay; thence in a general south-westerly direction along and following the shore of Thunder Bay to the place of

beginning, together with the water lots on Thunder Bay, in front of the said lands.

Wards.

3. The said town shall be divided into three wards, to be called respectively, the first, the second and the third wards, which said several wards shall be respectively composed and bounded as follows:—The first ward shall be composed of that portion of the present village of Prince Arthur's Landing, described as follows:—Commencing at the intersection of the northerly limit of Pearl Street, with the easterly limit of High Street; then northerly, along said easterly limit of High Street, to the northerly limit of Van Norman Street; then easterly, along the northerly limit of Van Norman Street, to its intersection with the westerly limit of Algoma Street, thence northerly, along said westerly limit of Algoma Street, to the alignment of northerly limit of Cameron Street; thence easterly, along said northerly limit of Cameron Street and Cameron Street produced, to the easterly limits of water lots in Prince Arthur's Landing, as established by the Commissioner of Crown Lands; then southerly, along the said easterly limit of the said water lots, to the northerly limit of Pearl Street produced; then westerly, along the said produced line and the northerly limit of Pearl Street and said limit produced to the place of beginning; the second ward shall be composed of that portion of the said town lying to the south of the Red River Road, not embraced in the first ward; and the third ward shall be composed of that portion of the said town lying to the north of the Red River Road, not embraced in the first ward.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of the "Consolidated Municipal Act, 1883," and of any Act amending the same, with regard to matters consequent upon the formation of new corporations shall apply to the said Town of Port Arthur in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

Local improvements.

5. All expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service for which special provisions are made in sections 612 and 624 of the "Consolidated Municipal Act, 1883," shall be by special assessment on the property benefited and not exempt by law from assessment.

Nomination for first election.

6. On the fifth Monday after the passing of this Act it shall be lawful for the Stipendiary Magistrate for the time being of the district of Thunder Bay, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, and councillors, at the town hall in the said Town of Port Arthur; and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Polling.

7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy Re-  
turning offi-  
cers.

Oaths.

Powers of  
Returning  
officer.

8. The clerk of the said municipality of Shuniah and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of  
Shuniah to  
furnish copy  
of assessment  
roll.

9. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of the Consolidated Municipal Act, 1883, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Elections.

Powers and  
liabilities.

10. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office  
and qualifica-  
tion.

11. At the first election of mayor, and councillors for the said town of Port Arthur, the qualification of electors, and that of officers required to qualify, shall be the same as that required in the Municipality of Shuniah.

Qualification  
at first elec-  
tion.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

Expenses of  
Act.



By-laws continued.

**13.** All by-laws which are in force in the municipality of Shuniah, shall continue and be in force as if they had been passed by the corporation of the town of Port Arthur, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation. 5

Property and liabilities of Shuniah.

Arbitration.

Appointment of arbitrators.

**14.** Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Shuniah shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award, of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities. ~~And~~ Provided, that nothing in this Act contained shall in any way affect the liability of the municipality of Neebing in respect of claims against the municipality of Shuniah before the incorporation of the municipality of Neebing, and provided for in the Act to organize the municipality of Neebing, or by any agreement between the said municipalities or otherwise. 10 15 20 25 30

Revised roll of 1882 to be basis of settlement in respect of railway bonus.

**15.** The revised assessment roll of the municipality of Shuniah for the year ~~1882~~ commencing the first day of July, in the year ~~1882~~ one thousand eight hundred and eighty-two, shall be taken for the basis upon which the properties embraced in the said town of Port Arthur are to be valued for the purpose of settling the share of indebtedness by the town to the municipality of Shuniah, under the railway bonus of the said municipality. 35

Collection of taxes in arrear.

**16.** Arrears of taxes due to the said the corporation of the town of Port Arthur shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Port Arthur, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor, subject to the provisions of the Revised Statutes of Ontario, chapter one hundred and seventy-five, section thirty-one. 40 45 50

Time for assessment for 1884.



**17.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, one thousand eight hun- 55



dred and eighty-four between the first day of March and the first day of August, one thousand eight hundred and eighty-four. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, 5 then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day.

10 **18.** Until there shall be a resident Judge at Port Arthur for the District of Thunder Bay, the stipendiary magistrate of the said District for the time being shall have and exercise all the powers of the Judge of the County Court under the existing municipal laws of the Province of Ontario. Stipendiary Magistrate to act as Judge in Municipal matters.

15 **19.** Nothing contained in this Act shall free the townships or wards comprising the municipality of the Town of Port Arthur, hereby formed, from any liability now existing against the municipality of Shuniah, and the creditors of the said municipality of Shuniah shall continue to have all the rights and remedies which they had previous to the passing of this 20 Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah. Rights of creditors of Shuniah protected.

**20.**  All provisions of law relating to the municipality of Shuniah and inconsistent with this Act shall not apply to 25 the town of Port Arthur or the lands within the limits of the said town.  Provisions of law relating to Shuniah inconsistent herewith not to apply to Port Arthur.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to incorporate the Town of Port  
Arthur.

*(Reprinted as amended.)*

First Reading,	11th February,	1884.
Second "	5th March,	1884.

*(PRIVATE BILL.)*

Mr. LYON.

TORONTO

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to incorporate the Brockville and Sault Ste.  
Marie Railway Company.

WHEREAS the persons hereinafter named, and others, have Preamble.  
by their petition prayed to be incorporated as a company  
for the constructing, equipping and leasing, or operating, a  
railway from the town of Brockville, in the county of Leeds,  
5 to the village of Westport, in the county of Leeds, and thence  
in a northerly and westerly direction through the said county  
of Leeds, and other counties and districts, to the shore of the  
Georgian Bay, and from there to Sault Ste. Marie; and  
whereas it is expedient to grant the prayer of the said pe-  
10 tion;

Therefore Her Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. George Taylor Fulford, John Fisher Wood, M.P., Robert Incorporation.  
15 H. Preston, M.P.P., William Henry Fredenburgh, William  
Chester Stevens, John Roddick, Rufus Brown, James Cum-  
ming, James Beatty Saunders, Robert J. Jelly, and George Hut-  
cheson, together with such other persons and corporations as  
shall become shareholders in the company hereby incorporated,  
20 shall be and are hereby constituted a body corporate and  
politic by the name of "The Brockville, Westport and Sault  
Ste. Marie Railway Company."

2. The said company shall have full power to construct, Location and  
equip, lease and operate a railway, of a gauge four feet eight gauge of line.  
25 and one-half inches, from a point in or near the town of  
Brockville, in the county of Leeds, to the village of West-  
port, in the said county of Leeds, and thence in a northerly  
and westerly direction through the said county of Leeds, and  
other counties and districts, to the shore of the Georgian Bay,  
30 and from there to Sault Ste. Marie, in the District of Algoma,  
with full power to pass over any portion of the country be-  
tween the points aforesaid, and to carry their railway through  
crown lands, if any, lying between the points aforesaid.

3. The company is also authorized and empowered to make Arrangements  
35 necessary arrangements to contract and agree with the Grand with other  
Trunk Railway of Canada, the Ontario and Quebec Railway companies.  
Company, the Ontario and Pacific Railway Company, the  
Midland Railway Company, or the Canadian Pacific Railway  
Company, or any or either of them, or any other railway  
40 company for amalgamation with the said companies, or any or  
either of them, or for the leasing their said line or any part or  
parts thereof to the said companies, or any or either of them,

and may also make traffic or running arrangements with any or either of the said companies: Provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person, or represented by proxy, at a special general meeting to be held for that purpose, in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Power to construct railway in sections of not less than ten miles.

4. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act of Ontario and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act of Ontario, and the amendments thereof, with respect to "plans and surveys."

Acquiring gravel, etc., for construction and maintenance of railway.

5. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken,



or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

6. When gravel, stone, earth or sand, shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel-pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

7. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to acquire more land than is required for use of railway

8. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and on the Georgian Bay, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, or also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or water-course.

Power to take lands for elevators, etc.

9. The said company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

Form of conveyances.

**10.** Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Telegraph and telephone lines.

**11.** For the purpose of constructing, working, and protecting the telegraph and telephone lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph and telephone companies by the Act respecting Electric Telegraph Companies and other Acts, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines, shall apply to any such telegraph lines constructed by the company.

Provisional directors and their powers.

**12.** From and after the passing of this Act the said George Taylor Fulford, John Fisher Wood, Robert H. Preston, William Henry Fredenburgh, William Chester Stevens, John Roddick, Rufus Brown, James Cumming, James Beatty Saunders, Robert J. Jelly, and George Hutcheson shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock-books, to make a call upon the shares subscribed thereon, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the Railway Act of Ontario and any other law in force in Ontario are vested in such boards.

Capital stock.

**13.** The capital of the said company shall be ten million dollars (with power to increase the same in the manner provided by the Railway Act of Ontario), to be divided into one hundred thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works may pay out of the general funds of such municipality

its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

5    **14.** The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person if they are of opinion that such person would hinder, delay or prevent the company from  
 10 proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the further-  
 15 ance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway.

Directors may exclude persons from subscribing, and may rescind subscriptions in certain cases.

20    **15.** On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the said company.

Ten per cent. to be paid on subscription.

25    **16.** The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided by the Railway  
 30 Act of Ontario.

Calls.

35    **17.** The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof or at any time before the making of a final call thereon, and may allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

Payment of stock in full allowed.

40    **18.** As soon as shares to the amount of twenty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock  
 45 who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.

First election of directors.

50    **19.** In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon.

How meeting may be called if provisional directors neglect to call same.



Notice of time  
and place of  
meeting.

20. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the town of Brockville, once in each week, for the space of at least four weeks; and such meeting shall be held at such place and on such day 5 as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose eleven persons to be the directors of the said company; and may also make or pass such rules, regulations 10 and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meet-  
ing.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Brockville, or in such other place and on such days 15 and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Brockville during the four weeks preceding the week in which such meeting is 20 to be held.

Special meet-  
ings.

22. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is pro- 25 vided in the last preceding section.

Votes.

23. Every holder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever 30 unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Representa-  
tion of stock  
held by cor-  
porations.

24. At all meetings of the company the stock held by municipal and other corporations may be represented by such 35 person as they shall respectively have appointed in that behalf by by-law; and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy.

Qualification  
of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding 40 at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Rights of  
aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and shall be entitled as such shareholders to vote 45 and be eligible to office as directors.

Quorum of  
directors.

27. Any meeting of directors regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors; and the said board of directors may em- 50 ploy and pay one of their number as managing director.



**28.** Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the 5 directors, after such resolution, to confer such power upon one or more of their number.

Delegation of powers to directors in special cases.

**29.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any 10 portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid-up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to make contracts for construction of railway.

**30.** The said company may receive from any government<sup>t</sup>, or from any persons or bodies, corporate, municipal, or politic, who may have power to make or grant the same, aid towards the 20 construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to company.

**31.** Any municipality through which the said railway may 25 pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said company shall have power to accept gifts of land from 30 any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of said company.

Aid from municipalities.

**32.** The corporation of any municipality through any part of which the railway of said company passes or is situated, 35 may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in 40 lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

**33.** Any municipality through which the said railway passes 45 may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock 50 company; and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any

Right to use highways.

municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Payments which may be made in stock or bonds.

**34.** The said provisional directors or the elected directors may pay or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, buildings or lands; and also, subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether said promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Aid from municipalities.

**35.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

**36.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the Municipal Act as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration

**37.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council

against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by  
 5 the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate,  
 10 and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended  
 15 shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the company or the county, as the arbitrators  
 20 may order.

**38.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

**39.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such  
 25 municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar, upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

**40.** Such by-law shall in each case provide (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the  
 30 delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be),  
 35 an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers, are hereby authorized to  
 40 execute and issue in such cases respectively. By-law, what to contain.

**41.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of.



If by-law carried, council to pass the same ;

42. In case the by-law submitted be approved of, and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

5

And issue debentures.

43. Within one month after the passing of such a by-law, the said council, and the mayor, warden, reeve, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

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Extension of time for completion.

44. It shall and may be lawful for the council of any municipality, that may grant a bonus to the company (and they shall have full power), to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

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Extension of time for commencement.

45. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

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Trustees of debentures.

46. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustees, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice, in writing, to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his stead, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

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Proviso.

Trusts of debentures.

47. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them ; secondly, to deposit the debentures, or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Brockville, Westport, and Sault Ste. Marie Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes

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entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall  
 5 set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable  
 10 in any court of competent jurisdiction, by any person who may sue therefor.

48. The trustees shall be entitled to their reasonable fees Fees of and charges from said trust fund, and the act of any two of trustees. such trustees shall be as valid and binding as if the three had  
 15 agreed.

49. The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for  
 20 the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and  
 25 debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and  
 30 upon the franchises of the company; and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the issue of bonds and de- Proviso.  
 35 benture stock shall not exceed twenty thousand dollars per mile; and provided that in the event, at any time, of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds and debenture stock shall have and possess the same rights and privileges,  
 40 and qualification for directors, and for voting as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock and any transfers thereof shall have been registered in the same manner as is provided  
 45 for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof, and that notwithstanding any such bonds may have been already registered by a former holder thereof.

50 50. Any such bonds, and the coupons thereof, may be Transfer of bonds and coupons. made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. Such bonds and debenture stock are hereby declared to be personal property.

Power to  
mortgage  
bonds.

**51.** The said company, hereby incorporated, may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway, or otherwise.

5

Negotiable  
instruments.

**52.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted, or endorsed, with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors, as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Register of  
debenture  
stock.

**53.** Any debenture stock authorized under this Act, which from time to time shall be created, shall be entered by the company in a register to be kept for that purpose, at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Certificates of  
debenture  
stock.

**54.** The said company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations and provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Limitation as  
to transfer of  
debenture  
stock.

**55.** The said debenture stock shall not be transferable in amounts less than one thousand dollars, and no transfer shall include any fractional part of one hundred dollars.

Directors  
empowered to  
make regula-  
tions respect-  
ing transfers.

**56.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer

books for the purpose of dividends as they may find expedient ; and all such regulations not being inconsistent with this Act, and with the Ontario Railway Act as altered and modified by this Act, shall be valid and binding.

5   **57.** The said company shall have all the powers necessary for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof. Company to have powers necessary for issue of debenture stock.

10   **58.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, had upon such goods Power to collect back charges on goods.  
15 or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

**59.** The said railway shall be commenced within three years, and completed within six years after the passing of this Act ; Commencement and completion of railway.  
20 and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

### Section 10.

Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of dollars paid to me (or us) by the Brockville and Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of \_\_\_\_\_ dollars paid to me (or us) by the company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Brockville and Sault Ste. Marie Railway Company, their successors and assigns forever. [*Here insert any other clauses, covenants or conditions required.*]

And I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 188 .

Signed, sealed and delivered }  
in presence of } [L.S.]  
3—3



## SCHEDULE B.

## Section 47.

## CHIEF ENGINEER'S CERTIFICATE.

The Brockville and Sault Ste. Marie Railway Company's Office.

No.                      Engineer's Department.

A.D 188     .

Certificate to be attached to cheques drawn on the Brockville and Sault Ste. Marie Railway Company Municipal Trust Account, given under section     , chapter     , of the Acts of the Legislature of Ontario, passed in the     year of Her Majesty's reign.

I, A. B., Chief Engineer for the Brockville and Sault Ste. Marie Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.     , of the Township of     , (or under the agreement dated the     day of     , between the corporation of     and the said company), to entitle the said company to receive from the said trust the sum of     .  
[Here set out the terms and conditions, if any, which have been fulfilled.]

No. 3.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to incorporate the Brockville and Sault Ste. Marie Railway Company.

First Reading,                      1884.

(PRIVATE BILL.)

Mr. FRASER.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.



An Act to incorporate the Brockville, *Westport* and  
Sault Ste. Marie Railway Company.

WHEREAS the persons hereinafter named, and others, have Preamble.  
by their petition prayed to be incorporated as a company  
for the constructing, equipping and operating, a railway,  
from the town of Brockville, in the county of Leeds,  
5 to the village of Westport, in the county of Leeds, and thence  
in a northerly and westerly direction through the said county  
of Leeds, and other counties and districts, to the shore of the  
Georgian Bay, and from there to Sault Ste. Marie; and  
whereas it is expedient to grant the prayer of the said pe-  
10 tition;

Therefore Her Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. George Taylor Fulford, John Fisher Wood, M.P., Robert Incorporation.  
15 H. Preston, M.P.P., William Henry Fredenburgh, William  
Chester Stevens, John Roddick, Rufus Brown, James Cum-  
ming, James Beatty Saunders, Robert J. Jelly, and George Hut-  
cheson, together with such other persons and corporations as  
shall become shareholders in the company hereby incorporated,  
20 shall be and are hereby constituted a body corporate and  
politic by the name of "The Brockville, Westport and Sault  
Ste. Marie Railway Company."

2. The said company shall have full power to construct, Location and  
equip, lease and operate a railway, of a gauge four feet eight gauge of line.  
25 and one-half inches, from a point in or near the town of  
Brockville, in the county of Leeds, to the village of West-  
port, in the said county of Leeds, and thence in a northerly  
and westerly direction through the said county of Leeds, and  
other counties and districts, to the shore of the Georgian Bay,  
30 and from there to Sault Ste. Marie, in the District of Algoma,  
with full power to pass over any portion of the country be-  
tween the points aforesaid, and to carry their railway through  
crown lands, if any, lying between the points aforesaid.

3. The said company is hereby authorized and empowered Power to  
35 to take and make the surveys and levels of the lands through  
which the said railway is to pass, together with the map or  
plan thereof, and of its course and direction, and of the lands  
intended to be passed over and taken therefor, so far as then  
ascertained, and also the book of reference for the railway,  
40 and to deposit the same as required by the clauses of the  
Railway Act of Ontario, and amendments thereto, with res-  
pect to "plans and surveys," by sections or portions less than  
construct rail-  
way in sec-  
tions of not  
less than ten  
miles.

the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act of Ontario and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act of Ontario, and the amendments thereof, with respect to "plans and surveys."

20

Acquiring gravel, etc., for construction and maintenance of railway.

4. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel-pits, etc.

5. When gravel, stone, earth or sand, shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to acquire more land than is required for use of railway.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and on the Georgian Bay, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, or also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or water-course.

Power to take lands for elevators, etc.

8. The said company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

9. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of conveyances.

10. For the purpose of constructing, working, and protecting the telegraph and telephone lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph and telephone companies by the Act respecting Electric Telegraph Companies and other Acts, are

Telegraph and telephone lines.



hereby conferred upon the company ; and the other provisions of the said Act for the working and protection of telegraph and telephone lines, shall apply to any such telegraph lines constructed by the company.

Provisional  
directors and  
their powers.

**11.** From and after the passing of this Act the said George 5  
Taylor Fulford, John Fisher Wood, Robert H. Preston, William  
Henry Fredenburgh, William Chester Stevens, John Roddick,  
Rufus Brown, James Cumming, James Beatty Saunders,  
Robert J. Jelly, and George Hutcheson shall be the provisional  
directors of the company, and such provisional directors, until 10  
others shall be named as hereinafter provided, shall constitute  
the board of directors of the company, with power to fill vacan-  
cies occurring thereon, to associate with themselves thereon not  
more than three other persons, who upon being so named shall  
become and be provisional directors of the company equally 15  
with themselves, to open stock-books, to make a call upon the  
shares subscribed therein, to call a meeting of the subscribers  
thereto for the election of other directors as hereinafter pro-  
vided, and to cause surveys and plans to be made and executed,  
and to commence and proceed with the acquiring of land and 20  
construction and equipment of the said railway, and with all  
such other powers as under the Railway Act of Ontario and  
any other law in force in Ontario are vested in such boards.

Capital stock.

**12.** The capital of the said company shall be ten million 25  
dollars (with power to increase the same in the manner pro-  
vided by the Railway Act of Ontario), to be divided into  
one hundred thousand shares of one hundred dollars each, and  
shall be raised by the persons and corporations who may  
become shareholders in the company, and the money so raised  
shall be applied in the first place to the payment and discharge 30  
of all fees, expenses, and disbursements for procuring the  
passage of this Act, and for making the surveys, plans, and  
estimates connected with the works hereby authorized, and all  
the remainder of such money shall be applied to the making,  
equipment and completion of the said railway and the other 35  
purposes of this Act ; and until such preliminary expenses  
shall be paid out of the said capital stock the municipality of  
any county, city, town, township, or village on the line of such  
works may pay out of the general funds of such municipality  
its fair proportion of such preliminary expenses, which shall 40  
hereafter, if such municipality shall so require, be refunded  
to such municipality from the capital stock of the company or  
be allowed to it in payment of stock.

Directors may  
exclude per-  
sons from  
subscribing,  
and may  
rescind sub-  
scriptions in  
certain cases.

**13.** The provisional or elected directors of the company 45  
may in their discretion exclude any one from subscribing for  
stock in the said company, or rescind the subscription and  
return the deposit of any person if they are of opinion that  
such person would hinder, delay or prevent the company from  
proceeding with and completing their undertaking under the  
provisions of this Act ; and if at any time more than the whole 50  
stock shall have been subscribed the said board of directors  
shall allocate and apportion it amongst the subscribers as they  
shall deem most advantageous and conducive to the further-  
ance of the undertaking, and in such allocation the said  
directors may in their discretion exclude any one or more of 55



the said subscribers, if in their judgment this will best secure the building of the said railway.

14. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the said company. Ten per cent. to be paid on subscription.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided by the Railway Act of Ontario. Calls.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof or at any time before the making of a final call thereon, and may allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed. Payment of stock in full allowed.

17. As soon as shares to the amount of *sixty* thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company. First election of directors.

18. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon. How meeting may be called if provisional directors neglect to call same.

19. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the town of Brockville, once in each week, for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose eleven persons to be the directors of the said company; and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Notice of time and place of meeting.

20. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Annual meeting.

town of Brockville, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Brockville during the four weeks preceding the week in which such meeting is to be held. 5

Special meetings.

21. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. 10

Votes.

22. Every holder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 15

Representation of stock held by corporations.

23. At all meetings of the company the stock held by 20 municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

24. No person shall be qualified to be elected as such 25 director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Rights of aliens

25. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the 30 said company, and shall be entitled as such shareholders to vote and be eligible to office as directors.

Quorum of directors.

26. Any meeting of directors regularly summoned, at which not less than five directors shall be present, shall be competent 35 to exercise and use all and every of the powers hereby vested in the said directors; and the said board of directors may employ and pay one of their number as managing director.

Delegation of powers to directors in special cases.

27. Should the shareholders of the company resolve that 40 the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number. 45

Power to make contracts for construction of railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the 50 right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid-up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in per-

son or by proxy, at a meeting specially convened for considering the same.

29. The said company may receive from any government, or from any persons or bodies, corporate, municipal, or politic, who 5 may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

10 30. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and 15 the said company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of said company. Aid from municipalities.

31. The corporation of any municipality through any part 20 of which the railway of said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum, or otherwise in gross, 25 or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless 30 in conformity with a condition contained therein. Exemption from taxation.

32. Any municipality through which the said railway passes may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality and whether or not the same 35 be in the possession or under the control of any joint stock company; and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agree- 40 ments as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

33. The said provisional directors or the elected directors 45 may pay or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, buildings or lands; and also, subject to the sanction of a vote of the shareholders, for the services of 50 the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether said promoters or Payments which may be made in stock or bonds.



other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Aid from municipalities.

**34.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

**35.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the Municipal Act as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

**36.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended



shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the company or the county, as the arbitrators may order.

37. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

38. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar, upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

39. Such by-law shall in each case provide (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers *thereof*, are hereby authorized to execute and issue in such cases respectively. By-law, what to contain.

40. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

41. In case the by-law submitted be approved of, and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass the same.

42. Within one month after the passing of such a by-law, the said council, and the mayor, warden, reeve, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

43. In case any such loan, guarantee or bonus be so granted by a portion of the township municipality, the rate to be levied on

- portion of municipality. be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.
- Municipal Act to apply. **44.** The provisions of the "Municipal Act" and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 5
- Extension of time for completion. **45.** It shall and may be lawful for the council of any municipality, that may grant a bonus to the company (and they shall have full power), to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus. 10
- Extension of time for commencement. **46.** The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year. 15
- Trustees of debentures. **47.** Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustees, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice, in writing, to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his stead, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. 20 25 30 35 40
- Proviso. **48.** The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures, or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Brockville, Westport, and Sault Ste. Marie Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in 50
- Trusts of debentures.

schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures ;  
 5 and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

49. The trustees shall be entitled to their reasonable fees Fees of trustees.  
 10 and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

50. The directors of the said company, after the sanction of Issue of bonds.  
 the shareholders shall have been first obtained at any special  
 15 general meeting, to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the *said*  
 20 company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property  
 25 of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and upon the franchises of the company; and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof,  
 30 upon the undertaking and the property of the company as aforesaid : Provided, however, that the issue of bonds and debenture stock shall not exceed *in all* twenty thousand dollars per mile; and provided that in the event, at any time, of the  
 35 interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds and debenture stock shall have and possess the same rights and privileges, and qualification for directors, and for voting as are attached to  
 40 shareholders : Provided that the bonds shall have been first Proviso. registered, and the debenture stock and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares ; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof, and that notwithstanding  
 45 *that* any such bonds may have been already registered by a former holder thereof. Proviso.

51. Any such bonds, and the coupons thereof, may be Transfer of bonds and coupons.  
 made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer  
 50 may sue at law thereon in his own name. Such bonds and debenture stock are hereby declared to be personal property.

52. The said company, hereby incorporated, may, from time Power to mortgage bonds.  
 to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under  
 55 the powers of this Act, issue for the construction of the railway, or otherwise.



Negotiable  
instruments.

**53.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted, or endorsed, with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors, as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Register of  
debenture  
stock.

**54.** Any debenture stock authorized under this Act, which from time to time shall be created, shall be entered by the company in a register to be kept for that purpose, at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Certificates of  
debenture  
stock.

**55.** The said company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations and provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Limitation as  
to transfer of  
debenture  
stock.

**56.** The said debenture stock shall not be transferable in amounts less than one thousand dollars, and no transfer shall include any fractional part of one hundred dollars.

Directors  
empowered to  
make regula-  
tions respect-  
ing transfers.

**57.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with this Act, and with the Ontario Railway Act as altered and modified by this Act, shall be valid and binding.

Company to

**58.** The said company shall have all the powers necessary



for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof. have powers necessary for issue of debenture stock.

59. The said company shall have power to collect and receive Power to collect back charges on goods.  
 5 all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, had upon such goods  
 10 or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

60. The said railway shall be commenced within three years, Commencement and completion of railway.  
 and completed within six years after the passing of this Act;  
 15 and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

### Section 9.

Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of  
 dollars paid to me (or us) by the Brockville, Westport and Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of  
 dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Brockville, Westport and Sault Ste. Marie Railway Company, their successors and assigns forever. [*Here insert any other clauses, covenants or conditions required.*]

And I (or we) the wife (or wives) of the said  
 do hereby bar my (or our) dower in the  
 said lands.

As witness my (or our) hand and seal (or hands and seals)  
 this day of A.D. 188 .

Signed, sealed and delivered }  
 in presence of }

## SCHEDULE B.

### Section 48.

#### CHIEF ENGINEER'S CERTIFICATE.

The Brockville, Westport and Sault Ste. Marie Railway Company's Office.

No. Engineer's Department.

A.D 188 .

Certificate to be attached to cheques drawn on the Brockville,

*Westport* and Sault Ste. Marie Railway Company Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Brockville, *Westport* and Sault Ste. Marie Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the Township of , (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of . [*Here set out the terms and conditions, if any, which have been fulfilled.*]



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the Brockville, *West-*  
*port* and Sault St. Marie Railway Com-  
pany.

(*Reprinted as amended.*)

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First Reading, February 11th, 1884.

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Mr. FRASER.

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TORONTO

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act respecting the Gananoque and Rideau Railway Company.

WHEREAS the parties hereinafter named have petitioned Preamble.  
for an Act to revive the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," and also to amend the same, and also to change the name of the said company to "The Rideau, Gananoque and Thousand Islands Railway Company," also to make valid a certain by-law, and to authorize the construction of a branch to the town of Perth, and it is expedient to grant the prayer  
10 of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Act of the Legislature of the Province of The Act 34  
Vict. c. 46 re-  
vived.  
15 Ontario, passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," is hereby revived and continued in full force.

2. The first section of said Act shall be repealed, and the 34 Vict. c. 46,  
s. 1 repealed.  
Incorporation.  
20 following substituted therefor: "Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, Roderick Chrysler Carter, and Charles A. Millner, together with such other persons or corporations as shall, under the provisions of this Act, become shareholders in  
25 the company hereby incorporated, shall be and are hereby ordained, constituted, and declared a body corporate and politic, under and by the name of "The Rideau, Gananoque and Thousand Islands Railway Company."

3. The second section of said Act is hereby repealed, and Sec. 2 re-  
pealed.  
Provisions of  
Railway Act  
to apply.  
30 the following substituted therefor: "The several sections and provisions of the Railway Act of Ontario shall apply to the company hereby incorporated as if fully set out in this Act, save and except where the same are varied by the special provisions of this Act, and then as so varied they shall apply."

35 4. The third section of the said Act is hereby amended by adding the words "also to construct a branch from some point in their main line to the town of Perth, in the county of Lanark," after the word "advisable" in the seventeenth line, and before the word "and." Sec. 3  
amended.

Sec. 5  
amended.

5. The fifth section is amended by striking out the words "The Railway Act," and substituting therefor the words "The Railway Act of Ontario."

Sec. 6 re-  
pealed.  
Provisional  
directors.

6. The sixth section of said Act is hereby repealed, and the following substituted therefor: "The said Hugo B. Rathbun, 5 Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, and Roderick C. Carter shall be and they are hereby constituted a board of provisional directors of the said company, and for the transaction of business a majority shall form a quorum." 10

Sec. 7  
amended.

7. The seventh section is amended by adding in the eleventh line the word "said" before the words "Railway Act" in the said eleventh line.

Sec. 8 repealed  
Agreements  
with other  
companies.

8. The eighth section is hereby repealed, and the following substituted therefor: "It shall be lawful for the said pro- 15  
visional board of directors to purchase from any company or persons thereunto lawfully authorized, any railway or any part of any railway now constructed or being constructed on any part of the line authorized by this Act, and to agree with any such company for the payment therefor at such price as 20  
may be agreed upon in fully paid-up shares of the capital stock of the company, or in preferred shares thereof, or partly in shares and partly in mortgage bonds of the company, or wholly in one or more of said ways, and the shares which on said purchase shall be taken in payment or in part payment 25  
for said railway or works, shall be fully paid up shares unless otherwise agreed upon, and shall, on being subscribed, entitle the holders thereof to all the rights and privileges of such shareholders, and thereupon the provisional directors shall, by circular addressed to each of the persons so taking said stock 30  
or in whose name the same shall stand in the books of the company, call a meeting of said shareholders, who, at the time and place named in the circular, may elect five directors of the said company, who shall be and shall constitute the board of directors of the company for the year then next ensuing, and a 35  
majority of the said board shall form a quorum for the transaction of business."

Issue of stock.

9. For any further stock which the company may think proper to have subscribed over and above the paid-up stock which may be issued, as in the next preceding section men- 40  
tioned, the directors of the company may at any time and from time to time open stock books for the subscription of stock, and may close the same as they may deem proper, and re-open the same until stock to the extent authorized by said Act of incorporation is subscribed for, and they may prescribe the 45  
terms and conditions on which any such stock shall be subscribed, and they may reject any subscription which in their judgment the interest of the company requires them to reject; and to any subscription for stock in the said company, so made as aforesaid and approved by the board of directors, all the 50  
provisions of the Railway Act of Ontario shall apply.

34 Vict. c. 46.  
s. 9 repealed.  
Annual meet-  
ing.

10. The ninth section of said Act shall be repealed, and the following substituted therefor: "On such day in each year after the said election last above mentioned as the directors

shall from time to time appoint by by-law, there shall be holden a general meeting of the shareholders of the company at which the directors shall be elected and such other business transacted as the by-laws made by the company or the 5 directors may from time to time require, and as may be mentioned in the notice calling the meeting."

11. Public notice of all general meetings or special general meetings shall be given in the *Ontario Gazette* for two weeks in succession before the day on which said meeting shall be held. Notice of meetings.

10 12. The sixteenth section of said Act is hereby repealed, and the following substituted therefor: "The board of directors may employ one or more of their number as paid director or directors." 34 Vict. c. 46, s. 16 repealed. Employment of paid directors.

13. Section eighteen of the said Act is hereby repealed. Sec.-18 repealed.

15 14. The twenty-ninth section of said Act is hereby amended by adding after the word "Act" in the tenth line, the words "of Ontario," and in the last line between the words "the" and "Railway Act" adding the word "said," so as to make it read "the said Railway Act," and by adding after the word 20 "valuation" in the said last line the words "and all said provisions relating to fixing by arbitration, etc., the compensation to be paid shall apply to each such case." Sec. 29 amended.

15. Sections thirty-one and thirty-two of said Act are hereby repealed. Sects. 31 & 32 repealed.

25 16. It shall be lawful for the directors of the Rideau, Gananoque and Thousand Islands Railway Company to enter into traffic or working arrangements with any other railway company in Canada (having power to enter into such arrangements) as they may agree upon, and to give any other company 30 running powers over their railway, or they may lease or sell their railway to any other company having power to lease or purchase the same, they may also hire or lease engines or rolling stock; all this may be done on such terms and conditions as the board of directors may deem expedient: Provided, how- 35 ever, no such agreement for the sale or lease of the railway shall be valid or binding until it has been submitted to and approved of by a majority of the shareholders present in person or by proxy, and voting at any of the special or general meetings of the shareholders; provided further that the notice 40 calling the meeting shall mention that such agreement will be submitted. Agreements with other companies. Proviso.

17. The by-law passed by the village of Gananoque on or about the fourteenth day of June, one thousand eight hundred and eighty-three, and numbered one hundred and seventy- 45 nine, and a certain agreement entered into by said corporation in pursuance thereof, and which agreement forms Schedule C to this Act, are hereby declared legal, valid, and binding in all respects, and if the said the Rideau, Gananoque and Thousand Islands Railway purchase and acquire the railway 50 in said agreement mentioned, they will be entitled to all the rights and privileges mentioned in said by-law, and may enforce the same in the same manner as if they were in said agreement a party thereto. By-law No. 179 of the Village of Gananoque and agreement in Schedule C confirmed.



Schedules A  
& B of 34  
Vict. c. 46 re-  
pealed, and  
new schedules  
substituted.

18. The following shall be the Schedules A and B respectively in place of those to the said Act.

#### SCHEDULE A.

Know all men by these presents that I  
[insert the name of the wife also if she is to release her dower  
or for any other purpose to join in the conveyance] in considera-  
tion of \_\_\_\_\_ paid to  
me (or as the case may be) by the Rideau, Gananoque and  
Thousand Islands Railway Company, the receipt whereof is  
hereby acknowledged, do hereby grant, sell and confirm unto  
the said the Rideau, Gananoque and Thousand Islands Rail-  
way Company, their successors and assigns, all th certain  
parcel of land being and composed of

[describe the land] to have  
and to hold the said lands and premises, together with every-  
thing appertaining thereto, to the said the Rideau, Gan-  
anoque and Thousand Islands Railway Company, their succes-  
sors and assigns forever, [if dower released add] and I

[name the wife] release my dower in the premises.

Witness hand and seal this day of  
one thousand eight hundred and

Signed, sealed and delivered }  
in presence of }

#### SCHEDULE B.

##### CHIEF ENGINEER'S CERTIFICATE.

Rideau, Gananoque and Thousand  
Islands Railway Company.

I, A. B., Chief Engineer for the Rideau, Gananoque and  
Thousand Islands Railway Company, do hereby certify that  
the said company has fulfilled the terms and conditions speci-  
fied in the agreement dated the \_\_\_\_\_ day of  
between the corporation of \_\_\_\_\_ and the said company  
that is to say [here set out the terms and con-  
ditions that have been fulfilled] and that, pursuant to said  
agreement, the said company is entitled to receive from the  
said trust the sum of

Chief Engineer.

#### SCHEDULE C.

This agreement made, in duplicate, this fifteenth day of June  
in the year of our Lord one thousand eight hundred and  
eighty-three, between the Bay of Quinte Railway and Navi-  
gation Company of the first part, and the corporation of the  
village of Gananoque, in the united counties of Leeds and  
Grenville, and Province of Ontario, of the second part.



Whereas the corporation of the said village of Gananoque did, under by-law number one hundred and seventy, passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and eighty-three, grant a bonus of ten thousand dollars in debentures to the Bay of Quinte Railway and Navigation Company in aid of the construction of a railway from the Gananoque station of the Grand Trunk Railway of Canada to the dock on the River St. Lawrence in the said village of Gananoque, known as Rathbun's dock ; and

Whereas the said the Bay of Quinte Railway and Navigation Company have agreed to build and have ready for use said railway, to be worked by the said Bay of Quinte Railway and Navigation Company ; and

Whereas the said debentures were not to be delivered to the said the Bay of Quinte Railway and Navigation Company or the nominee of the said last mentioned company, until an agreement in respect to the working of said railway for the carriage of passengers and freight should be entered into between the corporation of the said village of Gananoque and the Bay of Quinte Railway and Navigation Company to work said railway.

Now therefore this agreement witnesseth that, in consideration of said debentures, the said parties of the first part hereby covenant and agree for themselves and their successors and assigns to and with the said parties of the second part from the time of the completion of the said railway to work, or cause to be worked, the said railway so to be built as aforesaid for the carriage of passengers and freight between the Gananoque station of the Grand Trunk Railway of Canada and the dock on the River St. Lawrence, in the said village of Gananoque, known as Rathbun's dock, as fully and effectually as the business in and out of the said village of Gananoque in the judgment of said company and their assigns will warrant or sustain.

That no greater rate than twenty-five cents shall be charged any passenger each way over said railway, and that freight rates over the same shall not exceed an average rate of forty-five cents per ton of two thousand pounds for freights weighing one ton or more, to or from the said village of Gananoque, but the said sum of forty-five cents shall only apply to the carriage of freights and shall not include the terminal charges and the charge for loading or unloading of such freight.

That on the crossing of said railway on King street in the said village of Gananoque, at the angle, a platform shall be built and kept in good repair for the accommodation and convenience of passengers by the said parties of the first, and great care and precaution shall be taken to protect the lives and property of persons passing along said street by bringing each train to a full stop at King street aforesaid before crossing said street.

That one freight train at least per day, except Sunday, shall be run over said railway, and that a passenger train or coach shall make connection with all regular passenger trains on the Grand Trunk Railway of Canada stopping at Gananoque station for passengers.

That no arrangement shall be made with the Grand Trunk Railway of Canada whereby the freight-shed at Gananoque station, on the line of the Grand Trunk Railway of Canada, shall be closed without the written consent of the parties of the second part first had and obtained.

And that, in the event of the said freight shed being closed, a maximum rate not to exceed an average of forty-five cents per ton on freight weighing one ton or more shall be charged for the carrying of freight to and from said village of Gananoque to the present Gananoque station of the Grand Trunk Railway of Canada, but said rate of forty-five cents shall not include loading or unloading such freight and other terminal charges.

The said parties of the second part hereby agree with the parties of the first part, in consideration of this agreement, on delivery of the same duly executed by the said parties of the first part, and on the completion of the said railway as provided in said by-law, to issue the debentures as provided in said by-law and deliver them to the said parties of the first part, or to such person as shall be directed by the said parties of the first part.

That it is hereby further understood and agreed by and between the parties hereto, that in the event of any dispute as to the provisions of said by-law being complied with, or as to the completion of the work, or such like, the same shall be referred to the arbitrament and final determination of an officer to be appointed by the Minister of Railways, and his decision, made under his hand in writing, shall be final and conclusive in the premises.

That the parties hereto shall join in getting from Parliament if possible an Act for the following purposes: First, to confirm the said by-law and to remove all doubts as to its validity; second, to authorize the incorporation of a company to work the said railway so proposed to be built, and to authorize the payment to said company of the said bonus on the order of the said the Bay of Quinte Railway and Navigation Company if so desired by them, and for power to amalgamate or make other arrangements with said last mentioned company; third, to confirm and make binding this agreement.

And that, in order to remove all doubt as to the property to be exempt from taxation under section number ten of said by-law, it is hereby agreed that the following shall be the property to be exempt from taxation, viz: The proposed railway and its branches and offices, sheds and buildings, and appurtenances thereof as used and necessary for carrying on the business of said railway, and the said exemption shall not apply to any other property of said company, or other company working said railway.

In witness whereof the parties hereto have executed these presents by the president of the said the Bay of Quinte Railway and Navigation Company and the reeve of the said corporation of the village of Gananoque setting their hands and causing the seals of the said respective corporations to be hereunto affixed the day and year first above written.

(Signed) H. B. RATHBUN,

*President.* [Seal.]

(Signed) WM. R. AYLSWORTH,

*Secretary.*

(Signed) WM. BYERS,

*Reeve.* [Seal.]



1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act respecting the Gananogue and  
Rideau Railway Company.

1st Reading,	1884.
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(*PRIVATE BILL.*)

Mr. SULLS.

TORONTO :

PRINTED BY C. R. ROBINSON, JORDAN STREET.



An Act respecting the Gananoque and Rideau Railway Company.

**W**HEREAS the parties hereinafter named have petitioned Preamble.  
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 year of Her Majesty's reign, chapter forty-six, and intituled  
*"An Act to incorporate the Gananoque and Rideau Railway*  
*Company,"* and also to amend the same, and also to change the  
 name of the said company to "The Thousand Islands Rail-  
 way Company," also to make valid a certain by-law, and it  
 is expedient to grant the prayer of the said petition ;  
 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—



1. The said Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled *"An Act to incorporate the Gananoque and Rideau Railway Company,"* is hereby revived and continued in full force. The Act 34  
Vict. c. 46 re-  
vived.

2. The first section of said Act shall be repealed, and the following substituted therefor: "Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, Roderick Chrysler Carter, and Charles A. Millner, together with such other persons or corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted, and declared a body corporate and politic, under and by the name of "The Thousand Islands Railway Company."

34 Vict. c. 46,  
s. 1 repealed.  
Incorporation.

3. The second section of said Act is hereby repealed, and the following substituted therefor: "The several sections and provisions of the Railway Act of Ontario shall apply to the company hereby incorporated as if fully set out in this Act, save and except where the same are varied by the special provisions of this Act, and then as so varied they shall apply."

Sec. 2 re-  
pealed.  
Provisions of  
Railway Act  
to apply.

4.  The fourth section of the said Act is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches." 

Sec. 4  
repealed.  
Gauge.

5. The fifth section is amended by striking out the words "The Railway Act," and substituting therefor the words "The Railway Act of Ontario."

Sec. 5  
amended.

Sec. 6 repealed.  
Provisional  
directors.

6. The sixth section of said Act is hereby repealed, and the following substituted therefor: "The said Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, and Roderick C. Carter shall be and they are hereby constituted a board of provisional 5 directors of the said company, and for the transaction of business a majority shall form a quorum."

Sec. 7 amended.

7. The seventh section is amended by adding in the eleventh line the word "said" before the words "Railway Act" in the said eleventh line.

10

Sec. 8 repealed  
Agreements  
with other  
companies.

8. The eighth section is hereby repealed, and the following substituted therefor: "It shall be lawful for the said provisional board of directors to purchase from any company or persons thereunto lawfully authorized, any railway or any part of any railway now constructed or being constructed on 15 any part of the line authorized by *the said Act and this Act*, and to agree with any such company for the payment therefor at such price as may be agreed upon in fully paid-up shares of the capital stock of the company, or in preferred shares thereof, or partly in shares and partly in mortgage bonds of the company, 20 or wholly in one or more of said ways, and the shares which on said purchase shall be taken in payment or in part payment for said railway or works, shall be fully paid up shares unless otherwise agreed upon, and shall, on being subscribed, entitle the holders thereof to all the rights and privileges of such 25 shareholders, and thereupon the provisional directors shall, by circular addressed to each of the persons so taking said stock or in whose name the same shall stand in the books of the company, call a meeting of said shareholders, who, at the time and place named in the circular, may elect five directors of the 30 said company, who shall be and shall constitute the board of directors of the company for the year then next ensuing, and a majority of the said board shall form a quorum for the transaction of business."

Issue of stock.

9. For any further stock which the company may think 35 proper to have subscribed over and above the paid-up stock which may be issued, as in the next preceding section mentioned, the directors of the company may at any time and from time to time open stock books for the subscription of stock, and may close the same as they may deem proper, and re-open 40 the same until stock to the extent authorized by said Act of incorporation is subscribed for, and they may prescribe the terms and conditions on which any such stock shall be subscribed, and they may reject any subscription which in their judgment the interest of the company requires them to reject; 45 and to any subscription for stock in the said company, so made as aforesaid and approved by the board of directors, all the provisions of the Railway Act of Ontario shall apply.

34 Vict. c. 46.  
s. 9 repealed.  
Annual meeting.

10. The ninth section of said Act shall be repealed, and the following substituted therefor: "On such day in each year 50 after the said election last above mentioned as the directors shall from time to time appoint by by-law, there shall be holden a general meeting of the shareholders of the company at which the directors shall be elected and such other business

transacted as the by-laws made by the company or the directors may from time to time require, and as may be mentioned in the notice calling the meeting."

11. Public notice of all general meetings or special general meetings shall be given in the *Ontario Gazette*, and in one newspaper published in the County of Leeds for four weeks in succession before the day on which said meeting shall be held.

Notice of meetings.

12. The sixteenth section of said Act is hereby repealed, and the following substituted therefor: "The board of directors may employ one or more of their number as paid director or directors."

34 Vict. c. 46, s. 16 repealed Employment of paid directors.

13. Sections eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one and thirty-two, and the sub-sections thereto, and Schedule B. of the said Act are hereby repealed.

Secs. 18, 20-29, 31 & 32, and Schedule B. repealed.

14. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to purchase whole lots.


15. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.



Power to take gravel, etc., for construction or maintenance.

16. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may inter-



Sidings to quarries and gravel pits.



vene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may 5 be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used 10 in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 

(2)  When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.  15

Agreements  
with other  
companies.



17. It shall be lawful for the directors of the Thousand Islands Railway Company to enter into *such* traffic or working arrangements with *the Grand Trunk Railway Company of Canada* (if lawfully authorized to enter into such arrangements) as they may agree upon, and to give any other company 20 running powers over their railway, or they may lease or sell their railway to  the said Grand Trunk Railway Company of Canada if lawfully authorized  to lease or purchase the same, they may also hire or lease engines or rolling stock; all this may be done on such terms and conditions 25 as the board of directors may deem expedient: Provided, however, no such agreement for the sale or lease of the railway shall be valid or binding until it has been submitted to and approved of by a majority of the shareholders present in person or by proxy, and voting at any of the special or general 30 meetings of the shareholders; provided further that the notice calling the meeting shall mention that such agreement will be submitted.

Proviso.

By-law No.  
179 of the Vil-  
lage of Ganano-  
que and  
agreement in  
Schedule B  
confirmed.

18. The by-law passed by the village of Gananoque on or about the fourteenth day of June, one thousand eight hundred 35 and eighty-three, and numbered one hundred and seventy-nine, and a certain agreement entered into by said corporation in pursuance thereof, and which agreement forms Schedule B to this Act, are hereby declared legal, valid, and binding in all respects, and if the said the Thousand Islands Railway 40 Company purchase and acquire the railway in said agreement mentioned, they will be entitled to all the rights and privileges mentioned in said by-law, and may enforce the same in the same manner as if they were in said agreement a party thereto.


Inconsistent  
provisions in  
34 V. c. 46  
repealed.

19.  All the provisions of the said Act passed in the 45 thirty-fourth year of Her Majesty's reign, chapter forty-six, which are inconsistent with this Act, are hereby repealed. 

Schedule A  
of 34  
Vict. c. 46 re-  
pealed, and  
new schedule  
substituted.

20. The following shall be the Schedule A in place of *that* to the said Act.

#### SCHEDULE A.

 Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of



dollars paid to me (or us) by the  
 Thousand Islands Railway Company, the receipt whereof is  
 hereby acknowledged, do grant and convey to the said com-  
 pany, and I (or we) [*insert name of any other party or parties*]  
 in consideration of \_\_\_\_\_ dollars  
 paid to me (or us) by the company, the receipt whereof is  
 hereby acknowledged, do grant and release to the said com-  
 pany all that certain parcel (or those certain parcels, *as the  
 case may be*) of land [*describe the land*], the same having been  
 selected and laid out by the said company for the purposes of  
 their railway, to hold with the appurtenances unto the said the  
 Thousand Islands Railway Company, their successors and  
 assigns forever. [*Here insert any other clauses, covenants or  
 conditions required.*]

And I (or we) the wife (or wives) of the said  
 \_\_\_\_\_ do hereby bar my (or our) dower in the  
 said lands.

As witness my (or our) hand and seal (or hands and seals)  
 this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 188 .

Signed, sealed and delivered }  
 in presence of \_\_\_\_\_ [L.S.]

#### SCHEDULE B.

This agreement made, in duplicate, this fifteenth day of June  
 in the year of our Lord one thousand eight hundred and  
 eighty-three, between the Bay of Quinte Railway and Navi-  
 gation Company of the first part, and the corporation of the  
 village of Gananoque, in the united counties of Leeds and  
 Grenville, and Province of Ontario, of the second part.

Whereas the corporation of the said village of Gananoque did,  
 under by-law number one hundred and seventy, passed on the  
 fourteenth day of June, in the year of our Lord one thousand  
 eight hundred and eighty-three, grant a bonus of ten thousand  
 dollars in debentures to the Bay of Quinte Railway and Navi-  
 gation Company in aid of the construction of a railway from  
 the Gananoque station of the Grand Trunk Railway of Canada  
 to the dock on the River St. Lawrence in the said village of  
 Gananoque, known as Rathbun's dock ; and

Whereas the said the Bay of Quinte Railway and Navigation  
 Company have agreed to build and have ready for use said  
 railway, to be worked by the said Bay of Quinte Railway and  
 Navigation Company ; and

Whereas the said debentures were not to be delivered to the  
 said the Bay of Quinte Railway and Navigation Company or  
 the nominee of the said last mentioned company, until an  
 agreement in respect to the working of said railway for the  
 carriage of passengers and freight should be entered into  
 between the corporation of the said village of Gananoque and  
 the Bay of Quinte Railway and Navigation Company to work  
 said railway.

Now therefore this agreement witnesseth that, in considera-  
 tion of said debentures, the said parties of the first part hereby  
 covenant and agree for themselves and their successors and  
 assigns to and with the said parties of the second part from

the time of the completion of the said railway to work, or cause to be worked, the said railway so to be built as aforesaid for the carriage of passengers and freight between the Gananoque station of the Grand Trunk Railway of Canada and the dock on the River St. Lawrence, in the said village of Gananoque, known as Rathbun's dock, as fully and effectually as the business in and out of the said village of Gananoque in the judgment of said company and their assigns will warrant or sustain.

That no greater rate than twenty-five cents shall be charged any passenger each way over said railway, and that freight rates over the same shall not exceed an average rate of forty-five cents per ton of two thousand pounds for freights weighing one ton or more, to or from the said village of Gananoque, but the said sum of forty-five cents shall only apply to the carriage of freights and shall not include the terminal charges and the charge for loading or unloading of such freight.

That on the crossing of said railway on King street in the said village of Gananoque, at the angle, a platform shall be built and kept in good repair for the accommodation and convenience of passengers by the said parties of the first part, and great care and precaution shall be taken to protect the lives and property of persons passing along said street by bringing each train to a full stop at King street aforesaid before crossing said street.

That one freight train at least per day, except Sunday, shall be run over said railway, and that a passenger train or coach shall make connection with all regular passenger trains on the Grand Trunk Railway of Canada stopping at Gananoque station for passengers.

That no arrangement shall be made with the Grand Trunk Railway of Canada whereby the freight-shed at Gananoque station, on the line of the Grand Trunk Railway of Canada, shall be closed without the written consent of the parties of the second part first had and obtained.

And that, in the event of the said freight shed being closed, a maximum rate not to exceed an average of forty-five cents per ton on freight weighing one ton or more shall be charged for the carrying of freight to and from said village of Gananoque to the present Gananoque station of the Grand Trunk Railway of Canada, but said rate of forty-five cents shall not include loading or unloading such freight and other terminal charges.

The said parties of the second part hereby agree with the parties of the first part, in consideration of this agreement, on delivery of the same duly executed by the said parties of the first part, and on the completion of the said railway as provided in said by-law, to issue the debentures as provided in said by-law and deliver them to the said parties of the first part, or to such person as shall be directed by the said parties of the first part.

That it is hereby further understood and agreed by and between the parties hereto, that in the event of any dispute as to the provisions of said by-law being complied with, or as to the completion of the work, or such like, the same shall be referred to the arbitrament and final determination of an officer to be appointed by the Minister of Railways, and his decision, made under his hand in writing, shall be final and conclusive in the premises.

That the parties hereto shall join in getting from Parliament if possible an Act for the following purposes: First, to confirm the said by-law and to remove all doubts as to its validity; second, to authorize the incorporation of a company to work the said railway so proposed to be built, and to authorize the payment to said company of the said bonus on the order of the said the Bay of Quinte Railway and Navigation Company if so desired by them, and for power to amalgamate or make other arrangements with said last mentioned company; third, to confirm and make binding this agreement.

And that, in order to remove all doubt as to the property to be exempt from taxation under section number ten of said by-law, it is hereby agreed that the following shall be the property to be exempt from taxation, viz: The proposed railway and its branches and offices, sheds and buildings, and appurtenances thereof as used and necessary for carrying on the business of said railway, and the said exemption shall not apply to any other property of said company, or other company working said railway.

In witness whereof the parties hereto have executed these presents by the president of the said the Bay of Quinte Railway and Navigation Company and the reeve of the said corporation of the village of Gananoque setting their hands and causing the seals of the said respective corporations to be hereunto affixed the day and year first above written.

(Signed) H. B. RATHBUN,  
*President.* [Seal.]

(Signed) WM. R. AYLSWORTH,  
*Secretary.*

(Signed) WM. BYERS,  
*Reeve.* [Seal.]

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the Gananoque and  
Rideau Railway Company.

*(Reprinted as amended.)*

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First Reading, 14th February, 1884.

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*(PRIVATE BILL.)*

Mr. SULLS.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act respecting the Gananoque and Rideau Railway Company.

Preamble.

WHEREAS the parties hereinafter named have petitioned for an Act to revive the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," and also to amend the same, and also to change the name of the said company to "The Thousand Islands Railway Company," also to make valid a certain by-law, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," is hereby revived and continued in full force.

The Act 34  
Vict. c. 46 re-  
vived.

2. The first section of said Act shall be repealed, and the following substituted therefor: "Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, Roderick Chrysler Carter, and Charles A. Millner, together with such other persons or corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted, and declared a body corporate and politic, under and by the name of "The Thousand Islands Railway Company."

34 Vict. c. 46,  
s. 1 repealed.  
Incorporation.

3. The second section of said Act is hereby repealed, and the following substituted therefor: "The several sections and provisions of the Railway Act of Ontario shall apply to the company hereby incorporated as if fully set out in this Act, save and except where the same are varied by the special provisions of this Act, and then as so varied they shall apply."

Sec. 2 re-  
pealed.  
Provisions of  
Railway Act  
to apply.

4. The fourth section of the said Act is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches."

Sec. 4  
repealed.  
Gauge.

5. The fifth section is amended by striking out the words "The Railway Act," and substituting therefor the words "The Railway Act of Ontario."

Sec. 5  
amended.

Sec. 6 repealed.  
Provisional  
directors.

6. The sixth section of said Act is hereby repealed, and the following substituted therefor: "The said Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, and Roderick C. Carter shall be and they are hereby constituted a board of provisional directors of the said company, and for the transaction of business a majority shall form a quorum." 5

Sec. 7 amended.

7. The seventh section is amended by adding in the eleventh line the word "said" before the words "Railway Act" in the said eleventh line. 10

Sec. 8 repealed  
Agreements  
with other  
companies.

8. The eighth section is hereby repealed, and the following substituted therefor: "It shall be lawful for the said provisional board of directors to purchase from any company or persons thereunto lawfully authorized, any railway or any part of any railway now constructed or being constructed on any part of the line authorized by *the said Act and this Act*, and to agree with any such company for the payment therefor at such price as may be agreed upon in fully paid-up shares of the capital stock of the company, or in preferred shares thereof, or partly in shares and partly in mortgage bonds of the company, or wholly in one or more of said ways, and the shares which on said purchase shall be taken in payment or in part payment for said railway or works, shall be fully paid up shares unless otherwise agreed upon, and shall, on being subscribed, entitle the holders thereof to all the rights and privileges of such shareholders, and thereupon the provisional directors shall, by circular addressed to each of the persons so taking said stock or in whose name the same shall stand in the books of the company, call a meeting of said shareholders, who, at the time and place named in the circular, may elect five directors of the said company, who shall be and shall constitute the board of directors of the company for the year then next ensuing, and a majority of the said board shall form a quorum for the transaction of business." 15 20 25 30 35

Issue of stock.

9. For any further stock which the company may think proper to have subscribed over and above the paid-up stock which may be issued, as in the next preceding section mentioned, the directors of the company may at any time and from time to time open stock books for the subscription of stock, and may close the same as they may deem proper, and re-open the same until stock to the extent authorized by said Act of incorporation is subscribed for, and they may prescribe the terms and conditions on which any such stock shall be subscribed, and they may reject any subscription which in their judgment the interest of the company requires them to reject; and to any subscription for stock in the said company, so made as aforesaid and approved by the board of directors, all the provisions of the Railway Act of Ontario shall apply. 40 45

34 Vict. c. 46.  
s. 9 repealed.  
Annual meeting.

10. The ninth section of said Act shall be repealed, and the following substituted therefor: "On such day in each year after the said election last above mentioned as the directors shall from time to time appoint by by-law, there shall be holden a general meeting of the shareholders of the company at which the directors shall be elected and such other business 50

transacted as the by-laws made by the company or the directors may from time to time require, and as may be mentioned in the notice calling the meeting."

11. Public notice of all general meetings or special general meetings shall be given in the *Ontario Gazette*, and in one newspaper published in the County of Leeds for four weeks in succession before the day on which said meeting shall be held. Notice of meetings.

12. The sixteenth section of said Act is hereby repealed, and the following substituted therefor: "The board of directors may employ one or more of their number as paid director or directors." 34 Vict. c. 46, s. 16 repealed Employment of paid directors.


13. Sections eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one and thirty-two, and the sub-sections thereto, and Schedule B of the said Act are hereby repealed. Secs. 18, 20-29, 31 & 32, and Schedule B, repealed.



14. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. Power to purchase whole lots.

15. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Power to take gravel, etc., for construction or maintenance.

16. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may inter- Sidings to quarries and gravel pits.



vene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 

(2)  When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply. 

Agreements  
with other  
companies.

17. It shall be lawful for the directors of the Thousand Islands Railway Company to enter into *such* traffic or working arrangements with the *Grand Trunk Railway Company of Canada* (if lawfully authorized to enter into such arrangements) as they may agree upon, and to give any other company running powers over their railway, or they may lease or sell their railway to the said Grand Trunk Railway Company of Canada if lawfully authorized to lease or purchase the same, they may also hire or lease engines or rolling stock; all this may be done on such terms and conditions as the board of directors may deem expedient: Provided, however, no such agreement for the sale or lease of the railway shall be valid or binding until it has been submitted to and approved of by a majority of the shareholders present in person or by proxy, and voting at any of the special or general meetings of the shareholders; provided further that the notice calling the meeting shall mention that such agreement will be submitted.



Proviso.

Proviso.

By-law No.  
179 of the Vil-  
lage of Gananoque and  
agreement in  
Schedule B  
confirmed.

18. The by-law passed by the village of Gananoque on or about the fourteenth day of June, one thousand eight hundred and eighty-three, and numbered one hundred and seventy-nine, and a certain agreement entered into by said corporation in pursuance thereof, and which agreement forms Schedule B to this Act, are hereby declared legal, valid, and binding in all respects, and if the said the Thousand Islands Railway Company purchase and acquire the railway in said agreement mentioned, they will be entitled to all the rights and privileges mentioned in said by-law, and may enforce the same in the same manner as if they were in said agreement a party thereto.


Inconsistent  
provisions in  
34 V. c. 46  
repealed.

19.  All the provisions of the said Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, which are inconsistent with this Act, are hereby repealed. 


Schedule A  
of 34  
Vict. c. 46 re-  
pealed, and  
new schedule  
substituted.



20. The following shall be the Schedule A in place of that to the said Act.

Resolution of  
Gananoque  
Water-power  
Co., dated

 21. Nothing in this Act contained shall be held to impair or in any way affect a certain resolution passed at a special meeting of the shareholders of the Gananoque Water-power Company on the ninth day of May, 1883, relating to the right




of way over the property owned or controlled by the said Gan- May 9, 1883,  
 anoque Water-power Company.  not affected.

 22. Nothing in this Act contained shall in any way im- Rights of  
 pair the rights or remedies of any creditors of the said Gan- creditors pre-  
 5 oque and Rideau Railway Company, but all such rights and served.  
 remedies shall continue and may be maintained against the  
 said The Thousand Islands Railway Company. 

## SCHEDULE A.

### SECTION 20.

 Know all men by these presents, that I (or we) [*insert  
 the name of vendor or vendors*] in consideration of

\_\_\_\_\_ dollars paid to me (or us) by the  
 Thousand Islands Railway Company, the receipt whereof is  
 hereby acknowledged, do grant and convey to the said com-  
 pany, and I (or we) [*insert name of any other party or parties*]  
 in consideration of \_\_\_\_\_ dollars

paid to me (or us) by the company, the receipt whereof is  
 hereby acknowledged, do grant and release to the said com-  
 pany all that certain parcel (or those certain parcels, *as the  
 case may be*) of land [*describe the land*], the same having been  
 selected and laid out by the said company for the purposes of  
 their railway, to hold with the appurtenances unto the said the  
 Thousand Islands Railway Company, their successors and  
 assigns forever. [*Here insert any other clauses, covenants or  
 conditions required.*]

And I (or we) the wife (or wives) of the said  
 \_\_\_\_\_ do hereby bar my (or our) dower in the  
 said lands.

As witness my (or our) hand and seal (or hands and seals)  
 this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 188 \_\_\_\_\_

Signed, sealed and delivered }  
 in presence of \_\_\_\_\_ [L.S.]

## SCHEDULE B.

### SECTION 18.

This agreement made, in duplicate, this fifteenth day of June  
 in the year of our Lord one thousand eight hundred and  
 eighty-three, between the Bay of Quinte Railway and Navi-  
 gation Company of the first part, and the corporation of the  
 village of Gananoque, in the united counties of Leeds and  
 Grenville, and Province of Ontario, of the second part.

Whereas the corporation of the said village of Gananoque did,  
 under by-law number one hundred and seventy, passed on the  
 fourteenth day of June, in the year of our Lord one thousand  
 eight hundred and eighty-three, grant a bonus of ten thousand  
 dollars in debentures to the Bay of Quinte Railway and Navi-  
 gation Company in aid of the construction of a railway from  
 the Gananoque station of the Grand Trunk Railway of Canada  
 to the dock on the River St. Lawrence in the said village of  
 Gananoque, known as Rathbun's dock; and

Whereas the said the Bay of Quinte Railway and Navigation

Company have agreed to build and have ready for use said railway, to be worked by the said Bay of Quinte Railway and Navigation Company; and

Whereas the said debentures were not to be delivered to the said the Bay of Quinte Railway and Navigation Company or the nominee of the said last mentioned company, until an agreement in respect to the working of said railway for the carriage of passengers and freight should be entered into between the corporation of the said village of Gananoque and the Bay of Quinte Railway and Navigation Company to work said railway.

Now therefore this agreement witnesseth that, in consideration of said debentures, the said parties of the first part hereby covenant and agree for themselves and their successors and assigns to and with the said parties of the second part from the time of the completion of the said railway to work, or cause to be worked, the said railway so to be built as aforesaid for the carriage of passengers and freight between the Gananoque station of the Grand Trunk Railway of Canada and the dock on the River St. Lawrence, in the said village of Gananoque, known as Rathbun's dock, as fully and effectually as the business in and out of the said village of Gananoque in the judgment of said company and their assigns will warrant or sustain.

That no greater rate than twenty-five cents shall be charged any passenger each way over said railway, and that freight rates over the same shall not exceed an average rate of forty-five cents per ton of two thousand pounds for freights weighing one ton or more, to or from the said village of Gananoque, but the said sum of forty-five cents shall only apply to the carriage of freights and shall not include the terminal charges and the charge for loading or unloading of such freight.

That on the crossing of said railway on King street in the said village of Gananoque, at the angle, a platform shall be built and kept in good repair for the accommodation and convenience of passengers by the said parties of the first part, and great care and precaution shall be taken to protect the lives and property of persons passing along said street by bringing each train to a full stop at King street aforesaid before crossing said street.

That one freight train at least per day, except Sunday, shall be run over said railway, and that a passenger train or coach shall make connection with all regular passenger trains on the Grand Trunk Railway of Canada stopping at Gananoque station for passengers.

That no arrangement shall be made with the Grand Trunk Railway of Canada whereby the freight-shed at Gananoque station, on the line of the Grand Trunk Railway of Canada, shall be closed without the written consent of the parties of the second part first had and obtained.

And that, in the event of the said freight shed being closed, a maximum rate not to exceed an average of forty-five cents per ton on freight weighing one ton or more shall be charged for the carrying of freight to and from said village of Gananoque to the present Gananoque station of the Grand Trunk Railway of Canada, but said rate of forty-five cents shall not include loading or unloading such freight and other terminal charges.

The said parties of the second part hereby agree with the

parties of the first part, in consideration of this agreement, on delivery of the same duly executed by the said parties of the first part, and on the completion of the said railway as provided in said by-law, to issue the debentures as provided in said by-law and deliver them to the said parties of the first part, or to such person as shall be directed by the said parties of the first part.

That it is hereby further understood and agreed by and between the parties hereto, that in the event of any dispute as to the provisions of said by-law being complied with, or as to the completion of the work, or such like, the same shall be referred to the arbitrament and final determination of an officer to be appointed by the Minister of Railways, and his decision, made under his hand in writing, shall be final and conclusive in the premises.

That the parties hereto shall join in getting from Parliament if possible an Act for the following purposes: First, to confirm the said by-law and to remove all doubts as to its validity; second, to authorize the incorporation of a company to work the said railway so proposed to be built, and to authorize the payment to said company of the said bonus on the order of the said the Bay of Quinte Railway and Navigation Company if so desired by them, and for power to amalgamate or make other arrangements with said last mentioned company; third, to confirm and make binding this agreement.

And that, in order to remove all doubt as to the property to be exempt from taxation under section number ten of said by-law, it is hereby agreed that the following shall be the property to be exempt from taxation, viz: The proposed railway and its branches and offices, sheds and buildings, and appurtenances thereof as used and necessary for carrying on the business of said railway, and the said exemption shall not apply to any other property of said company, or other company working said railway.

In witness whereof the parties hereto have executed these presents by the president of the said the Bay of Quinte Railway and Navigation Company and the reeve of the said corporation of the village of Gananoque setting their hands and causing the seals of the said respective corporations to be hereunto affixed the day and year first above written.

(Signed) H. B. RATHBUN,  
*President.* [Seal.]

(Signed) WM. R. AYLSWORTH,  
*Secretary.*

(Signed) WM. BYERS,  
*Reeve.* [Seal.]

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the Gananoque and  
Rineau Railway Company.

(*Reprinted as amended.*)

First Reading, 14th February, 1884.  
Second " 25th " 1884.

(*PRIVATE BILL.*)

Mr. SUTS.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to declare valid a certain Survey of part of  
the Town of Cornwall.

WHEREAS the municipal council of the town of Cornwall Preamble.  
have, by their petition, prayed that a certain survey of  
part of the said town, made by order of the said council, be  
declared legal and valid; and whereas it is expedient to grant  
5 the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The survey of that part of the said town of Cornwall Survey made  
by David R.  
Brown, of  
P.L.S., of  
part of town  
south of  
Fourth street  
confirmed.  
10 lying south of Fourth street, made and completed under and  
by virtue of a resolution of the council of the said town of  
Cornwall passed on the seventh day of July, in the year of our  
Lord one thousand eight hundred and eighty-one, by David R.  
Brown, Deputy Provincial Land Surveyor, and adopted by the  
15 said town council under and by virtue of a resolution passed  
by them on the twenty-ninth day of October, in the year of  
our Lord one thousand eight hundred and eighty-three, shall  
be taken and held to be a true and correct survey of the above  
described part of the said town, and shall, to all intents and  
20 purposes, be deemed and considered to be legal and valid: Proviso.  
Provided that where any dwelling-house or shop in said part  
of said town had been, before the first day of January, in the  
year of our Lord one thousand eight hundred and eighty-three,  
partly built upon the street (as ascertained by the said survey),  
25 it shall not be incumbent upon the owner or owners of such  
dwelling-house or shop to remove the same off such street  
until the re-building of such dwelling-house or shop, or the  
repairing thereof to the extent of fifty per cent. of the then  
cash value thereof; but this proviso shall not apply to any  
30 fence, steps, platform, sign, porch, or projection attached to  
any such dwelling-house or shop.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to declare valid a certain Survey of  
part of the Town of Cornwall.

First Reading,	1884.
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(PRIVATE BILL.)

Mr. Ross (Cornwall).

TORONTO:



PRINTED BY G. BLACKETT ROBINSON.

An Act to declare valid a certain Survey of part of  
the Town of Cornwall.

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5 the prayer of the said petition;

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1. The survey of that part of the said Town of Cornwall Survey made  
by David R.  
Brown,  
P.L.S., of  
part of town  
south of  
Fourth Street  
confirmed.  
10 lying south of Fourth Street, made and completed under and  
by virtue of a resolution of the council of the said Town of  
Cornwall, passed on the seventh day of July, in the year of our  
Lord one thousand eight hundred and eighty-one, by David R.  
Brown, Deputy Provincial Land Surveyor, and adopted by the  
15 said town council under and by virtue of a resolution passed  
by them on the twenty-ninth day of October, in the year of  
our Lord one thousand eight hundred and eighty-three, shall  
be taken and held to be a true and correct survey of the above  
described part of the said town, and shall, to all intents and  
20 purposes, be deemed and considered to be legal and valid:  
Provided, that where any dwelling-house or shop in said part Proviso.  
of said town had been, before the first day of January, in the  
year of our Lord one thousand eight hundred and eighty-three,  
partly built upon *any* street (as ascertained by the said survey),  
25 it shall not be incumbent upon the owner or *occupant* of such  
dwelling-house, shop, or *building*, to remove the same off such  
street until the re-building of such dwelling-house, shop, or  
*building*, or the repairing thereof to the extent of fifty per cent.  
of the then cash value thereof; but this proviso shall not apply  
30 to any fence, steps, platform, sign, porch, or projection attached  
to any such dwelling-house or shop.

-  2. Nothing in this Act contained shall be held or con- Existing  
rights not  
affected.  
strued as affecting or taking away any right, interest, or estate  
now had, held, or vested in any person whomsoever in respect  
35 of any lands, premises or property whatsoever, situate within  
the said Town of Cornwall. 

BILL.

An Act to declare valid a certain Survey of  
part of the Town of Cornwall.

*(Reprinted as amended).*

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First Reading, 14th February, 1884.

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*(PRIVATE BILL.)*

Mr. Ross (Cornwall).

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TORONTO :

PRINTED BY THE "GRP" PRINTING AND PUBLISHING CO.







An Act to declare valid a certain Survey of part of  
the Town of Cornwall.

WHEREAS the municipal council of the Town of Cornwall Preamble.

have, by their petition, prayed that a certain survey of part of the said town, made by order of the said council, be declared legal and valid; and whereas it is expedient to grant  
5 the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The survey of that part of the said Town of Cornwall Survey made by David R. Brown, P.L.S., of part of town south of Fourth Street confirmed.  
10 lying south of Fourth Street, made and completed under and by virtue of a resolution of the council of the said Town of Cornwall, passed on the seventh day of July, in the year of our Lord one thousand eight hundred and eighty-one, by David R. Brown, Deputy Provincial Land Surveyor, and adopted by the  
15 said town council under and by virtue of a resolution passed by them on the twenty-ninth day of October, in the year of our Lord one thousand eight hundred and eighty-three, shall be taken and held to be a true and correct survey of the above described part of the said town,  as originally laid out,   
20 and shall, to all intents and purposes, be deemed and considered to be legal and valid: Provided, that where any Proviso. dwelling-house or shop in said part of said town had been, before the first day of January, in the year of our Lord one thousand eight hundred and eighty-three, partly built upon *any*  
25 street (as ascertained by the said survey), it shall not be incumbent upon the owner or *occupant* of such dwelling-house, shop, or *building*, to remove the same off such street until the rebuilding of such dwelling-house, shop, or *building*, or the repairing thereof to the extent of fifty per cent. of the then cash  
30 value thereof; but this proviso shall not apply to any fence, steps, platform, sign, porch, or projection attached to any such dwelling-house or shop.

-  2. Nothing in this Act contained shall be held or construed as affecting or taking away any estate which prior to  
35 the passing of this Act is had, held, or vested in any person whomsoever in respect of any lands, premises or property whatsoever, situate within the said Town of Cornwall, but unless such estate is already so had, held or vested at the time of the passing of this Act no future possession or occupation of any such street, or any part thereof, shall be held as  
40 conferring or creating any such estate.  Existing rights not affected.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to declare valid a certain Survey of  
part of the Town of Cornwall.

*(Reprinted as amended.)*

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First Reading,	14th February,	1884.
Second	"	22nd
		1884.

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*(PRIVATE BILL.)*

Mr. Ross (*Cornwall*).

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize the Town of Collingwood to issue certain Debentures.

WHEREAS the corporation of the town of Collingwood, <sup>Preamble.</sup>  
in the county of Simcoe, have, by their petition, represented that they have a debt of sixty-eight thousand four hundred dollars (exclusive of interest), incurred for permanent  
5 improvements within the said town, and secured by the debentures of the said corporation, of which the sum of fifty-six thousand four hundred dollars of principal matures due and payable in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive,  
10 with interest half-yearly at six per centum per annum; and whereas the said corporation have further represented that they have a debt payable on account of a certain bonus to the Hamilton and North-Western Railway, known as the "Group Bonus," amounting to about nine thousand five hun-  
15 dred dollars, exclusive of interest, for which the annual payment during the next ensuing sixteen years, for principal and interest, amounts to one thousand two hundred dollars or thereabouts; and whereas the said corporation have further represented that they have incurred a liability of seven thou-  
20 sand dollars for permanent improvements made within the said town during the year one thousand eight hundred and eighty-three; and whereas the said corporation have further represented that none of this said debenture debt and interest is in arrear, but that the payments to be made on account thereof,  
25 and of their said other debt and liability during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of forty-four thousand dollars for the purpose of raising funds to pay the said liability of seven thousand  
30 dollars, and also to pay or replace and extend the time for payment of a certain portion of their said debentures, maturing in the years aforesaid, in the manner and according to the yearly amounts set forth in schedule A of this Act; and whereas it is expedient to grant the prayer of the said petition;  
35 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to pay the said liability of seven thousand dollars, as mentioned in the preamble  
40 of this Act, and also to meet and pay such part of the debenture debt of the said town as is set forth in said schedule A, it shall be lawful for the said corporation from time to time to pass by-laws for raising, by way of loan, upon the credit of the said corporation, such sum or sums of money as may be necessary to pay the said liability of seven thousand dollars,

Debentures may be issued for \$44,000 in accordance with Schedule A.

and also to pay off or replace and extend the time for payment of the debentures of the said corporation to the amount of thirty-seven thousand dollars, maturing in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive, in the manner and according to the yearly amounts set forth in schedule A of this Act, by debentures hereinafter mentioned and authorized to be issued under this Act, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same: Provided that the sums so to be borrowed under this Act shall not exceed the said sum of forty-four thousand dollars, nor shall they in any year exceed the sum mentioned in the second column of said schedule A.

Proviso.

Power to pass by-laws from time to time for issue of said debentures.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws authorizing the issuing of debentures under the corporate seal of the said corporation, signed by the mayor and countersigned by the treasurer for the time being of said town, in such sum or sums, not exceeding forty-four thousand dollars in the whole, as the said corporation may from time to time, and according to said schedule, direct; and the said corporation may, for the said purposes mentioned in this Act, raise money by way of loan on the said debentures, either in this Province or elsewhere, or sell or dispose of the said debentures from time to time as they may deem expedient for the purposes contemplated by this Act and not otherwise: Provided that it shall not be compulsory on the said corporation to issue the whole or any part of the said debentures in any year as set out in the said schedule, and that in case the whole or any part of the said debentures hereby authorized to be issued in any one year shall not be so issued, then the amount not issued shall lapse and shall not be issued in any subsequent year.

Proviso.

Time and manner of payment.

3. The said debentures shall be payable at the respective times and in the manner set forth in said schedule A, and not otherwise. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first days of the months of June and December in each and every year, at the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding six per centum per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation,

(a) In payment of the said liability of seven thousand dollars; and

(b) In the payment and redemption of outstanding debentures of said corporation to the amount of thirty-seven thousand dollars, according to and in the manner and at the times and for the respective amounts set forth in said schedule A, and in no other manner and for no other purpose whatsoever.

Treasurer to pay off a certain liability of \$7,000, also outstanding debentures.

5. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of seven thousand dollars, and also pay off any outstanding debentures to the yearly amount authorized by said schedule A, and discharge the same with the funds



from time to time raised under this Act, or may substitute, with the consent of the holders thereof, for any outstanding debentures maturing yearly, according to the time and for the yearly amounts only specified in said schedule A, the debentures or  
 5 any of them authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

6. The debentures to be issued under this Act may be in the form contained in the schedule B to this Act. Form of debentures.

10 7. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by-law.

8. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall  
 15 render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. Irregularities not to render debentures invalid.

9. It shall not be necessary to obtain the assent of the electors of the said town of Collingwood for the passing of any  
 20 by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Act or any Act amending the same. Assent of electors not required.

10. This Act may be cited as "*The Town of Collingwood* Short title.  
 25 *Debenture Act.*"

#### SCHEDULE A.

Amount of debentures authorized to be issued under this Act,  
 with year of issue and date of payment.

TOTAL ISSUE.		REPAYABLE DECEMBER 1ST.	
First column.	Second column.	Third column.	Fourth column.
Year.	Amount.	Year.	Amount.
1884.....	\$10000 00	{ 1898.....	\$2000 00
		{ 1899.....	2000 00
		{ 1900.....	2000 00
		{ 1901.....	2000 00
		{ 1902.....	2000 00
1885.....	3000 00	1903.....	3000 00
1886.....	3000 00	1904.....	3000 00
1887.....	3000 00	1905.....	3000 00
1888.....	3000 00	1906.....	3000 00
1889.....	3000 00	1907.....	3000 00
1890.....	2000 00	1908.....	2000 00
1891.....	5000 00	{ 1909.....	3000 00
		{ 1910.....	2000 00
1892.....	2000 00	1911.....	2000 00
1893.....	2000 00	1912.....	2000 00
1894.....	2000 00	1913.....	2000 00
1895.....	2000 00	1914.....	2000 00
1896.....	2000 00	1915.....	2000 00
1897.....	2000 00	1916.....	2000 00
	<u>\$44000 00</u>		<u>\$44000 00</u>

## SCHEDULE B.

Province of Ontario, Town of Collingwood.

## DEBENTURE.

Under and by virtue of "The Town of Collingwood Debenture Act," the corporation of the town of Collingwood, in the county of Simcoe, promise to pay the bearer at  
the sum of                      on the                      day  
of                      one thousand                      hundred and                      ,  
and the half-yearly coupons for interest thereon, hereto attached,  
as the same shall severally become due.

Dated at Collingwood, Ontario, this                      day of  
A.D. 18                      .

## SCHEDULE C.

By-law to authorize the issue of                      debentures for  
the sum of                      , under the authority of "The Town  
of Collingwood Debenture Act."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-four thousand dollars in the whole, as the corporation of the town of Collingwood, in the county of Simcoe, may direct ;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of                      dollars payable on the                      day of                      , with interest thereon at the rate of                      per centum per annum, payable half-yearly, according to the coupons to the said debentures attached ;

And whereas the amount of the whole ratable property of the said town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand                      hundred and                      was

Therefore the corporation of said town enacts as follows :—

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of                      , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per centum per annum, payable half-yearly on the first days of June and December in each year.

This by-law passed in open council this                      day of                      , in the year of our Lord one thousand                      hundred and                      .



No. 6.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to authorize the Town of Collingwood to issue certain Debentures.

First Reading, , 1884.

(*PRIVATE BILL.*)

Mr. MCKAY.

TORONTO :

PRINTED BY G. B. ROBINSON, JORDAN STREET.



An Act to authorize the Town of Collingwood to issue certain Debentures.

- WHEREAS the corporation of the town of Collingwood, in Preamble.  
the county of Simcoe, have, by their petition, represented that they have a debt of sixty-five thousand three hundred dollars (exclusive of interest), incurred for permanent  
5 improvements within the said town, and secured by the debentures of the said corporation, of which the sum of fifty-six thousand four hundred dollars of principal matures due and payable in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive,  
10 with interest half-yearly at six per centum per annum; and whereas the said corporation have further represented that they have a debt payable on account of a certain bonus to the Hamilton and North-Western Railway, known as the "Group Bonus," amounting to about nine thousand five hun-  
15 dred dollars, exclusive of interest, for which the annual payment during the next ensuing sixteen years, for principal and interest, amounts to one thousand two hundred dollars or thereabouts; and whereas the said corporation have further represented that they have incurred a liability of seven thou-  
20 sand dollars for permanent improvements made within the said town during the year one thousand eight hundred and eighty-three; and whereas the said corporation have further represented that none of this said debenture debt and interest is in arrear, but that the payments to be made on account thereof,  
25 and of their said other debt and liability during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of forty-four thousand dollars ~~in~~ in the manner and according to the yearly amounts set forth in schedule A  
30 of this Act ~~for~~ for the purpose of raising funds to pay the said liability of seven thousand dollars, and also to pay or replace and extend the time for payment of a certain portion of their said debentures, maturing in the years aforesaid, and whereas it is expedient to grant the prayer of the said petition;  
35 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to pay the said liability of seven thousand dollars, as mentioned in the preamble  
40 of this Act, and also to meet and pay a part of the *present* debenture debt of the said town *amounting to thirty-seven thousand dollars* it shall be lawful for the said corporation from time to time to pass by-laws for raising, by way of loan, upon the credit of the said corporation ~~in~~ in the manner and according  
45 to the yearly amounts set forth in schedule A to this Act, ~~for~~

Debentures may be issued for \$44,000 in accordance with Schedule A.

such sum or sums of money as may be necessary to pay the said liability of seven thousand dollars, and also to pay off or replace and extend the time for payment of the debentures of the said corporation to the said amount of thirty-seven thousand dollars, maturing in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive, by debentures hereinafter mentioned and authorized to be issued under this Act, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same: Provided that the sums so to be borrowed under this Act shall not exceed the said sum of forty-four thousand dollars, nor shall they in any year exceed the sum mentioned in the second column of said schedule A.

Proviso.

Power to pass by-laws from time to time for issue of said debentures.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws authorizing the issuing of debentures under the corporate seal of the said corporation, signed by the mayor and countersigned by the treasurer for the time being of said town, in such sum or sums, not exceeding forty-four thousand dollars in the whole, as the said corporation may from time to time, and according to said schedule, *and within the first section of this Act*, direct; and the said corporation may, for the said purposes mentioned in this Act, raise money by way of loan on the said debentures, either in this Province or elsewhere, or sell or dispose of the said debentures from time to time as they may deem expedient for the purposes contemplated by this Act and not otherwise: Provided that it shall not be compulsory on the said corporation to issue the whole or any part of the said debentures in any year as set out in the said schedule, and that in case the whole or any part of the said debentures hereby authorized to be issued in any one year shall not be so issued, then the amount not issued shall lapse and shall not be issued in any subsequent year.

Proviso.

Time and manner of payment.

3. The said debentures shall be payable at the respective times and in the manner set forth in said schedule A, and not otherwise. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first days of the months of June and December in each and every year, at the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding six per centum per annum.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation,

(a) In payment of the said liability of seven thousand dollars; and

(b) In the payment and redemption of outstanding debentures of said corporation to the amount of thirty-seven thousand dollars, according to and in the manner and at the times and for the respective amounts set forth in said schedule A, and in no other manner and for no other purpose whatsoever.

Treasurer to pay off a certain liability of \$7,000, also outstanding debentures.

5. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of seven thousand dollars, and also pay off any outstanding debentures to the yearly amount authorized

by said schedule A, and discharge the same with the funds from time to time raised under this Act, or may substitute, with the consent of the holders thereof, for any outstanding debentures maturing yearly, according to the time and for the yearly amounts only specified in said schedule A, the debentures or any of them authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

6. The debentures to be issued under this Act may be in the form contained in the schedule B to this Act. Form of debentures.

7. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act. Form of by-law.

8. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. Irregularities not to render debentures invalid.

9. It shall not be necessary to obtain the assent of the electors of the said town of Collingwood for the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Act or any Act amending the same. Assent of electors not required.

10. This Act may be cited as "*The Town of Collingwood Debenture Act, 1884.*" Short title.

#### SCHEDULE A.

Amount of debentures authorized to be issued under this Act, with year of issue and date of payment.

TOTAL ISSUE.		REPAYABLE DECEMBER 1ST.	
First column. Year.	Second column. Amount.	Third column. Year.	Fourth column. Amount.
		1898.....	\$2000 00
		1899.....	2000 00
1884.....	\$10000 00	1900.....	2000 00
		1901.....	2000 00
		1902.....	2000 00
1885.....	3000 00	1903.....	3000 00
1886.....	3000 00	1904.....	3000 00
1887.....	3000 00	1905.....	3000 00
1888.....	3000 00	1906.....	3000 00
1889.....	3000 00	1907.....	3000 00
1890.....	2000 00	1908.....	2000 00
1891.....	5000 00	1909.....	3000 00
		1910.....	2000 00
1892.....	2000 00	1911.....	2000 00
1893.....	2000 00	1912.....	2000 00
1894.....	2000 00	1913.....	2000 00
1895.....	2000 00	1914.....	2000 00
1896.....	2000 00	1915.....	2000 00
1897.....	2000 00	1916.....	2000 00
	<b>\$44000 00</b>		<b>\$44000 00</b>



## SCHEDULE B.

Province of Ontario, Town of Collingwood.

## DEBENTURE.

Under and by virtue of "The Town of Collingwood Debenture Act, 1884," the corporation of the town of Collingwood, in the county of Simcoe, promise to pay the bearer at the sum of                      on the                      day of                      one thousand                      hundred and                      , and the half-yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at Collingwood, Ontario, this                      day of  
A.D. 18                      .

## SCHEDULE C.

By-law to authorize the issue of                      debentures for the sum of                      , under the authority of "The Town of Collingwood Debenture Act, 1884."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-four thousand dollars in the whole, as the corporation of the town of Collingwood, in the county of Simcoe, may in *pursuance of and conformity with the provisions of the said Act*, direct;

And whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of                      dollars payable on the                      day of                      with interest thereon at the rate of                      per centum per annum, payable half-yearly, according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand                      hundred and                      was                      .

Therefore the corporation of said town enacts as follows:—

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per centum per annum, payable half-yearly on the first days of June and December in each year.

This by-law passed in open council this                      day of                      , in the year of our Lord one thousand                      hundred and                      .





No. 6.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to authorize the Town of Collingwood to issue certain Debentures.

*(Reprinted as amended).*

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First Reading, 11th February, 1884.

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*(PRIVATE BILL.)*

Mr. McKAY.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Cascadilla Railway Company.

WHEREAS James Huxtable, Robert McGhee, George Leslie Preamble.

Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering have  
 5 petitioned for an Act to incorporate a company to construct a railway from some point at or near that part of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the Melancthon Station of the Toronto, Grey and Bruce Railway Company, in said township  
 10 of Melancthon; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** James Huxtable, Robert McGhee, George Leslie Airth, Incorporation.  
 John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering, together with  
 20 such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Cascadilla Railway Company."

**2.** The said company shall have full power and authority Location of line.  
 25 under this Act to construct a railway from some point in or near that portion of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the village of Shelburne, in said county, or to some point at or near the Melancthon Station of the Toronto, Grey  
 30 and Bruce Railway Company in said township, with power to connect with any and all railways it may cross or be adjacent to, and on all or any part or parts of the said line of railway to make, lay, and maintain a single or double track.

**3.** The gauge of the said railway shall be four feet eight Gauge.  
 35 and one-half inches.

**4.** Conveyances of land to the said company, for the pur- Form of conveyances.  
 poses of and under the powers given by this Act, made in the form set out in schedule A hereunder written, or to the like effect, shall be sufficient conveyances to the said company,  
 40 their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner

and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

5

Provisional  
directors and  
their powers.

5. From and after the passing of this Act the said James Huxtable, Robert McGhee, George Leslie Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering, until others shall be chosen as herein- 10 after provided, shall be and are hereby constituted the board of provisional directors of the said company, any seven of whom shall be a quorum, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three others who, upon being so named, shall 15 also become and be provisional directors equally with themselves; and they shall have power and authority, immediately after the passing of this Act, to open stock books and to receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing who, in their 20 opinion, would hinder or delay the company from proceeding with the railway, and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may make a call or calls upon the shares subscribed therein, and 25 may exercise all such other powers as, under the Railway Act of Ontario, or any other law in force in Ontario, are vested in such boards.

Capital stock.

6. The capital stock of the company shall be sixty thousand dollars, to be divided into twelve hundred shares of fifty 30 dollars each, with power to increase the same in the manner provided in the Railway Act of Ontario, and all moneys paid to the company in respect of such shares shall be applied in the first place to the payment of all costs, charges, and expenses of and incidental to the obtaining of this Act, and of all 35 expenses for making the surveys, plans, and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway, and to the other purposes of the company. 40

First election  
of directors.

7. As soon as shares to the amount of fifteen thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Province of Ontario to the credit of the company, and which shall on no account be with- 45 drawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to said capital stock who shall have paid up ten per centum of the shares by them subscribed, for the purpose of electing directors of the company. 50

Subscriptions  
for stock  
invalid unless  
ten per cent.  
paid within  
twenty days.

8. No subscription for stock in the capital of the company shall be valid unless ten per centum thereof shall have actually been paid thereon, within twenty days after the subscription, into some one of the chartered banks of the Province to be designated by the provisional directors, to the credit of the 55 company.



9. Notice of the time of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette* at least two weeks previous to the day of meeting, and once in each week of the two weeks immediately preceding the week in which said meeting is to be held, in a newspaper published in the county of Dufferin; and the meeting shall be held at such place and on such day and hour as the directors shall from time to time appoint and name in the notice calling the meeting, and at such first general meeting the subscribers for the capital stock who shall have paid up ten per centum thereof, whether present in person or represented by proxy, shall choose eleven persons, any seven of whom shall be a quorum, to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of  
general and  
annual meet-  
ings.

10. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Special  
general meet-  
ings.

11. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for the meeting.

Votes.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least five shares of stock in the company, and unless he has paid up all calls thereon.

Qualification  
of directors.

13. Any meeting of the directors of the said company regularly summoned, at which not less than seven directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in said directors.

Quorum.

14. Calls on the subscribed capital of the company may be made by the directors for the time being, as they see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor at intervals of less than one month, and notice of each call shall be given as provided in section nine.

Calls.

15. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Rights of  
aliens.

16. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock in, or granting bonuses to, said company, an *ex officio* director of said company, should the amount of aid granted by said municipality, or any portion

Appointment  
of municipal  
directors.

thereof, be sufficient, in the discretion of said directors, to entitle the said municipality to a representative on said board of directors, and said representative shall be entitled to vote.

Representa-  
tion of stock  
held by mu-  
nicipalities.

17. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Issue of  
bonds.

18. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special meeting to be called from time to time for such purpose, shall have power and authority: (1) To make and issue first mortgage bonds, and also second or income mortgage bonds, such issue not to exceed in the whole the sum of fifty thousand dollars, for the general purposes of the company as the same may from time to time be required, in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate of interest and each bond in such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway, and of the undertaking, and such of the real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned in such mortgage, and such mortgage bonds and all coupons and interest warrants thereon may be payable to the bearer and be transferable by delivery; (2) Every such mortgage to secure payment of first mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and other equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and the equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than one mortgage shall be made over the same portion of the line or over the undertaking and real property, including the rolling stock and equipment of the company, whether then existing or to be thereafter acquired, to secure the first mortgage bonds.

Power to  
pledge bonds.

19. The company may from time to time, for advance of money to be made thereon, mortgage or pledge any bonds which, under the provisions of this Act, can be issued for the construction of the said railway.

20. It shall further be lawful for the corporation of any municipality in or through any part of which the railway of the company passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such terms of years, not exceeding twenty-one years, as such municipal corporation may deem expedient, and any such by-law shall not be repealed unless in conformity with any conditions contained in such by-law.

Exemption  
from municipal  
taxation.

21. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of May following.

Snow fences.

22. Whenever it shall be necessary for the purposes of securing sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy said lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to purchase whole lots.

23. Any municipality, except a county municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said railway shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

Proviso.

24. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall first be presented to the council expressing the desire to aid said railway, and stating in what way and for what amount, and the council shall,

Provisions as to bonus by-laws.



within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a municipality, the petition shall be that of a majority of the council, or of fifty 5 resident freeholders, being duly qualified voters as aforesaid; (3) in case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of 10 fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what  
to contain.

**25.** Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion 15 of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon 20 all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the payment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, 25 mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases, respectively.

If by-law carried,  
council to pass same;

**26.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, the municipal council which submitted the same shall, 30 within four weeks after the date of such voting, read the said by-law a third time, and pass the same.

And issue  
debentures.

**27.** Within one month after the passing of such a by-law, the said council and the reeve, or other head, and the other officers thereof, shall issue or dispose of the debentures neces- 35 sary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Trustees of  
debentures.

**28.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six 40 months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of 45 Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to 50 him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any 55

Proviso.



trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

5   **29.** The said trustee shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or  
 10 amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Cascadilla Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto, under the conditions of the  
 15 by-law granting the bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque  
 20 or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Trusts of  
proceeds of  
debentures.

25   **30.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of two of such trustees shall be as valid and binding as if the three had agreed.

Fees to  
trustees.

30   **31.** Any municipality through which or through a portion of which the said railway may pass, is hereby empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway.

Grant of land  
by municipality  
authorized.

35   **32.** The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any telegraph or railway company, and all powers conferred upon telegraph companies, by the various statutes relating to tele-  
 40 graph companies, are hereby conferred on said company, and the provisions of any statutes for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph  
lines.

45   **33.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall  
 50 serve a copy thereof with their notice of arbitration, as in the case of acquiring a roadway, and the notice of arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for roadway; and all the provisions

Acquiring  
gravel, etc.,  
for construc-  
tion and main-  
tenance of  
railway.

of the Railway Act of Ontario and this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. 5 10

Sidings to  
gravel-pits,  
etc.

**34.** When said gravel, sand, or stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the said Railway Act, except such as relate to the filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently as the company may think proper, and the powers in this and in the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway; 15 20 25

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to take  
land for build-  
ing elevators,  
etc., and to  
use water of  
streams.

**35.** The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such lands as may be required at each extremity of the said railway for the purpose of building thereon, and may build thereon, elevators, store-houses, docks, warehouses, engine-houses, and other erections for the use of the said company, and the same, or portions thereof, in their discretion to sell or convey and also to make use for the purposes of the said railway, or of any of such buildings or erections, of the water of any stream or water-course at or near which the said railway passes, or said buildings or erections or any of them are situate, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course. 30 35 40

Power to  
become parties  
to promissory  
notes, etc.

**36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of 45 50 55

exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**37.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association, or association of individuals, for the construction or equipment, or both, of the said railway line or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor, either in cash or bonds or partly in paid up stock of said company, or otherwise, as may be deemed expedient: Provided that no contract shall be of any force or validity until approved of by two-thirds of the shareholders present, in person or represented by proxy, at a general meeting of shareholders duly convened for considering the same.

Power to contract for construction and equipment of railway.

**38.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies, which is or are lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring of any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds in value of the shareholders shall be first obtained at a general special meeting, to be called for the purpose according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements for lease of railway.

Proviso.

**39.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same may be in the possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company; and it shall be lawful for the company to enter into and perform any such agreements, as they may from time to time deem

Right to use highways.



expedient, with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Commence-  
ment and  
completion of  
railway.

40. The construction of said railway shall be commenced within five years, and the same shall be completed within six years after the passing of this Act. 5

### SCHEDULE A.

(Section 4.)

Know all men by these presents that I (or we) [*insert name or names of the vendor*], in consideration of                      dollars paid to me (or us) by the Cascadilla Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*], in consideration of                      dollars paid to me (or us) by the said company, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with its appurtenances unto the said Cascadilla Railway Company, its successors and assigns [*here insert any other clauses, conditions, and covenants required*]; and I (or we), wife (or wives) of the said                      , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this                      day of                      , one thousand eight hundred and eighty                      .

Signed, sealed and delivered }  
in the presence of                      } [L.S.]

### SCHEDULE B.

(Section 29.)

#### CHIEF ENGINEER'S CERTIFICATE.

The Cascadilla Railway Company's Office, Engineer's Department.

No.                      .

A.D. 188                      .

Certificate to be attached to cheques drawn on the Cascadilla Railway Municipal Trust Account given under section                      chapter                      of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I, A. B., chief engineer of the Cascadilla Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number                      of the                      of                      (or under the agreement dated the                      day of                      , between the corporation of                      and the said company), to entitle the said company to receive from the said trust the sum of                      [*Here set out the terms and conditions, if any, which have been fulfilled.*]





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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to incorporate the Cascadilla Railway Company.

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First Reading,	1884.
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(*PRIVATE BILL.*)

Mr. McGHEE.

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TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to incorporate the Cascadilla Railway Company.

WHEREAS James Huxtable, Robert McGhee, George Leslie Preamble.

Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering have  
5 petitioned for an Act to incorporate a company to construct a railway from some point *in* or near that part of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the *village of Shelburne, in said county, or to some point at or near Melancthon Station of the*  
10 Toronto, Grey and Bruce Railway Company, in said township of Melancthon; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

1. James Huxtable, Robert McGhee, George Leslie Airth, Incorporation.  
John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering, together with  
20 such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Cascadilla Railway Company."

2. The said company shall have full power and authority Location of line.  
under this Act to construct a railway from some point *in* or near that portion of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the village of Shelburne, in said county, or to some  
30 point at or near the Melancthon Station of the Toronto, Grey and Bruce Railway Company in said township.

3. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

4. Conveyances of land to the said company, for the pur- Form of conveyances.  
35 poses of and under the powers given by this Act, made in the form set out in schedule A hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the  
40 same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the

registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Provisional  
directors and  
their powers.

5. From and after the passing of this Act the said James 5  
Huxtable, Robert McGhee, George Leslie Airth, John Barr, Dun-  
can C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander  
McKinney, William Taylor, Richard Hewitt, Robert Marshall,  
and Lionel Puckering, until others shall be chosen as herein-  
after provided, shall be and are hereby constituted the board 10  
of provisional directors of the said company, any *five* of  
whom shall be a quorum, with power to fill vacancies occur-  
ring thereon, and to associate with themselves thereon not  
more than three others who, upon being so named, shall  
also become and be provisional directors equally with them- 15  
selves; and they shall have power and authority, immediately  
after the passing of this Act, to open stock books and to  
receive subscriptions of stock for the undertaking, and in so  
doing may exclude any person from subscribing who, in their  
opinion, would hinder or delay the company from proceeding 20  
with the railway, and may allot and apportion the stock  
amongst the subscribers as to them may seem meet, and may  
cause surveys and plans to be made and executed, and may  
make a call or calls upon the shares subscribed therein, and  
may exercise all such other powers as, under the Railway Act 25  
of Ontario, or any other law in force in Ontario, are vested in  
such boards.

Capital stock.

6. The capital stock of the company shall be sixty thousand 30  
dollars, to be divided into twelve hundred shares of fifty  
dollars each, with power to increase the same in the manner  
provided in the Railway Act of Ontario, and all moneys paid  
to the company in respect of such shares shall be applied in  
the first place to the payment of all costs, charges, and ex-  
penses of and incidental to the obtaining of this Act, and of all 35  
expenses for making the surveys, plans, and estimates con-  
nected with the work hereby authorized, and all the remainder  
of such money shall be applied to the making, equipment, and  
completion of the said railway, and to the other purposes of  
the company.

First election  
of directors.

7. As soon as shares to the amount of fifteen thousand 40  
dollars of the capital stock of the company shall have been  
subscribed, and ten per centum thereof paid into some char-  
tered bank of the *Dominion* having an office in the Province of  
Ontario to the credit of the company, and which shall on no  
account be withdrawn therefrom unless for the services of the 45  
company, the directors shall call a general meeting of the sub-  
scribers to said capital stock who shall have paid up ten per  
centum of the shares by them subscribed, for the purpose of  
electing directors of the company.

Subscriptions  
for stock  
invalid unless  
ten per cent.  
paid within  
twenty days.

8. No subscription for stock in the capital of the company 50  
shall be valid unless ten per centum thereof shall have actually  
been paid thereon, within twenty days after the subscription,  
into some one of the chartered banks of the Province to be  
designated by the provisional directors, to the credit of the  
company. 55



9. Notice of the time of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication in the *Ontario Gazette* and in a newspaper published in the county of Dufferin *once in each week* Notice of general and annual meetings.
- 5 for the space of four weeks; and the meeting shall be held at such place and on such day and hour as the directors shall from time to time appoint and name in the notice calling the meeting, and at such first general meeting the subscribers for the capital stock who shall have paid up ten per centum thereof,
- 10 whether present in person or represented by proxy, shall choose seven persons, any five of whom shall be a quorum, to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.
- 15 10. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meetings.
- 20 11. Every holder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks
- 25 to vote shall have been paid up at least one week before the day appointed for the meeting. Votes.
12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least five shares of stock in the company, and unless he
- 30 has paid up all calls thereon. Qualification of directors.
13. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in said directors. Quorum.
- 35 14. Calls on the subscribed capital of the company may be made by the directors for the time being, as they see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor at intervals of less than one month, and notice of each call
- 40 shall be given as provided in section nine. Calls.
15. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also
- 45 be eligible to office as directors of the said company. Rights of aliens.
16. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock in, or granting bonuses to, said company, an *ex officio* director of said company, should the
- 50 amount of aid granted by said municipality, or any portion thereof, be sufficient, in the discretion of said directors, to en- Appointment of municipal directors.

4

title the said municipality to a representative on said board of directors, and said representative shall be entitled to vote.

Representa-  
tion of stock  
held by mu-  
nicipalities.

17. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Issue of  
bonds.

18. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special meeting to be called from time to time for such purpose, shall have power and authority: (1) To make and issue first mortgage bonds, and also second or income mortgage bonds, such issue not to exceed in the whole the sum of fifty thousand dollars, for the general purposes of the company as the same may from time to time be required, in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate of interest and each bond for such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway, and of the undertaking, and such of the real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned in such mortgage, and such mortgage bonds and all coupons and interest warrants thereon may be payable to the bearer and be transferable by delivery; (2) Every such mortgage to secure payment of first mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and other equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and the equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than one mortgage shall be made over the same portion of the line or over the undertaking and real property, including the rolling stock and equipment of the company, whether then existing or to be thereafter acquired, to secure the first mortgage bonds.

Power to  
pledge bonds.

19. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which, under the provisions of this Act, can be issued for the construction of the said railway.

20. It shall further be lawful for the corporation of any municipality in or through any part of which the railway of the company passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty-one years, as such municipal corporation may deem expedient, and any such by-law shall not be repealed unless in conformity with any conditions contained in such by-law.

Exemption  
from municipi-  
pal taxation.

21. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of April following.

Snow fences.

22. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to pur-  
chase whole  
lots.

23. Any municipality, except a county municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law, for the purpose, and the adoption of such by-law, by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from mu-  
nicipalities.

Proviso.

24. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall first be presented to the council expressing the desire to aid said railway, and stating in what way and for what amount, and the council shall,

Provisions as  
to bonus by-  
laws.





within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ; (2) in the case of a municipality *other than a county municipality*, the petition shall be that of a majority 5 of the council *thereof*, or of fifty resident freeholders, being duly qualified voters *under the Municipal Act* ; (3) in case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a 10 majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

**25.** Such by-law shall in each instance provide : (1) For raising the amount petitioned for in the municipality or portion 15 of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law ; (2) for assessing and levying upon 20 all ratable property lying within the municipality or portion of the township municipality defined in said by law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half- 52 yearly, which debentures the respective municipal councils, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases, respectively.

Deposit by company for expenses.

 **26.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the muni- 30 cipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. 



If by-law carried, council to pass same.

**27.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, the municipal council which submitted the same shall, 35 within four weeks after the date of such voting, read the said by-law a third time, and pass the same.



Issue of debentures.

**28.** Within one month after the passing of such a by-law, the said council and the *mayor*, reeve, or other head, and the other officers thereof, shall issue *the debentures provided for by 40 the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.*

Rate to be levied on portion of municipality.

 **29.** In case any such loan, bonus or guarantee be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor and 45 the interest thereon shall be assessed and levied upon such portion of such municipality. 

Provisions of Municipal Act to apply.

 **30.** The provisions of the Municipal Act and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of 50 a township municipality to the same extent as if the same had been passed by or for the whole municipality. 



31. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
debentures.

Proviso.

32. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Cascadilla Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto, under the conditions of the by-law granting the bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Trusts o  
proceeds o  
debentures.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to  
trustees.

34. Any municipality through which or through a portion of which the said railway may pass, is hereby empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway.

Grant of land  
by municipi-  
pality  
authorized.

35. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any

Telegraph  
lines.

telegraph or railway company, and all powers conferred upon telegraph companies, by the various statutes relating to telegraph companies, are hereby conferred on said company, and the provisions of any statutes for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Acquiring gravel, etc., for construction and maintenance of railway.

**36.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring a roadway, and the notice of arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for roadway; and all the provisions of the Railway Act of Ontario and this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel-pits, etc.

**37.** When said gravel, sand, or stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the said Railway Act and of this Act, except such as relate to the filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently as the company may think proper, and the powers in this and in the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to take land for building elevators, etc., and to use water of streams.

**38.** The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such lands as may be required at each extremity of the said railway for the purpose of building thereon, and may build thereon, elevators, store-houses, docks, warehouses, engine-houses, and other erections for the use of the said company, and the same, or portions thereof, in their discretion to sell or convey and also to make use for the purposes of the said railway, or of any of such buildings or erections, of the water of any stream or water-course at or near which the said railway

passes, or said buildings or erections or any of them are situate, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to promissory notes, etc.

40. It shall be lawful for the directors to enter into a contract or contracts with any individual or association, or association of individuals, for the construction or equipment, or both, of the said railway line or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor, either in cash or bonds or partly in paid up stock of said company, or otherwise, as may be deemed expedient: Provided that no contract shall be of any force or validity until approved of by two-thirds of the shareholders present, in person or represented by proxy, at a general meeting of shareholders duly convened for considering the same.

Power to contract for construction and equipment of railway.

41. The company incorporated by this Act may enter into any arrangement with the *Toronto Grey and Bruce Railway Company* if lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the said companies may agree upon, or for leasing or hiring any locomotives or other rolling stock or moveable property from such company, and generally to make any agreement or agreements with the said company if so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds in value of the shareholders of the company shall be first obtained at a general special meeting, to be called for the purpose according to the by-laws of the company and the provisions of this Act; and the said company leasing or entering into such agreement for using the said railway may and is hereby authorized to work the said railway in the same manner as if incorporated with their own line; but this section

Agreements for lease of railway.

Proviso.



shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Right to use  
highways.

42. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same may be in the possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company; and it shall be lawful for the company to enter into and perform any such agreements, as they may from time to time deem expedient, with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Commence-  
ment and  
completion of  
railway.

43. The construction of said railway shall be commenced within *three* years, and the same shall be completed within *four* years after the passing of this Act.

## SCHEDULE A.

### (Section 4.)

Know all men by these presents that I (or we) [*insert name or names of the vendor*], in consideration of                      dollars paid to me (or us) by the Cascadilla Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*], in consideration of                      dollars paid to me (or us) by the said company, *the receipt whereof is hereby acknowledged*, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with its appurtenances unto the said Cascadilla Railway Company, its successors and assigns [*here insert any other clauses, conditions, and covenants required*]; and I (or we), wife (or wives) of the said                      , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this                      day of                      , one thousand eight hundred and eighty                      .

Signed, sealed and delivered }  
in the presence of }

[L.S.]



## SCHEDULE B.

*(Section 32.)*

## CHIEF ENGINEER'S CERTIFICATE.

The Cascadilla Railway Company's Office, Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Cascadilla Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer of the Cascadilla Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of [Here set out the terms and conditions, if any, which have been fulfilled.]

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Cascadilla Railway Company.

*(Reprinted as amended).*

First Reading, 14th February, 1884.

*(PRIVATE BILL.)*

Mr. MCGHEE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Trusts of the Will of the late Samuel B. Smith, deceased.

WHEREAS the Rector and Churchwardens of the Church of Preamble.  
the Ascension, in the city of Toronto, the Reverend Henry Grasett Baldwin, Frederick A. Ball and Charles R. W. Biggar, all of the said city of Toronto, trustees for the said church  
5 under the will of Samuel B. Smith, esquire, deceased, and Lela Isabella McDonnell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Boswell Hyde, and Douglas Henry Nelles, infants under the age of  
10 twenty-one years, by John Hoskin, esquire, their guardian *ad litem*, have presented their petition, stating amongst other things as follows:—

“That Samuel B. Smith, late of the city of Toronto, esquire, deceased, departed this life on or about the sixteenth day of  
15 July, one thousand eight hundred and eighty-two, having first duly made and published his last will and testament, in which, after revoking all former wills made by him, he devised and bequeathed his estate as follows:

“I direct that all my estate, real and personal, except the  
20 stock, lands, and securities hereinafter mentioned and specially devised, be as soon after my decease as possible sold and disposed of for its reasonable value, either by public auction or by private sale, and on such terms of payment as to my executors shall seem meet; and for such purpose I do hereby give  
25 to and invest in such my executors full power and authority to sell and make conveyance of my said real estate, except the lands hereby specially devised in fee simple or otherwise, and in blocks as they now are, or in sub-divisions thereof, in as full and ample a manner as I could do myself, if living, for  
30 cash, or part cash and part credit, and to take and receive securities for the amounts unpaid by mortgage in such manner as is usual to insure the full and punctual payment thereof.

“And I direct that all debts due and owing to me (save and except dividends accrued on the stocks hereinafter specially  
35 devised) shall be with all speed, after my decease, collected in by my said executors, and such debts as they may not be able to enforce immediate payment of in full, they may compound for a reasonable portion of the amount thereof.

“And I direct that my just debts (if any at the time of my  
40 decease) and my funeral and testamentary expenses be paid out of the first moneys that shall come into the hands of my executors.

“And after payment of all debts and expenses, as aforesaid, I do devise and bequeath the said stocks and all moneys and  
45 securities and the produce or proceeds of the said sales and debts due to me, as follows:

"I devise and bequeath to my sister Anne Nelles the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; to each of her two daughters, two thousand dollars; and to each of her grandchildren, who may be living at the time of my decease, one thousand dollars. 5

"I also give and bequeath to my sister Harriet Lee the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; and to each of her three daughters, two thousand dollars.

"I also give and bequeath to my sister Ellen Ball the sum of ten thousand dollars, which, with certain property in Hamilton and other property purchased by her husband with money belonging to me, fully making up the amount of twenty thousand dollars; to each of her three sons, one thousand dollars; to each of her two daughters, two thousand dollars. 15

"I also give and bequeath to my sister Margaret McDonell, she being already largely possessed with this world's goods, the sum of five thousand dollars; and to each of her four children, one thousand dollars.

"I also give and bequeath to each of the wives of my six nephews, namely, to the wife of Samuel Smith McDonell, to the wife of James George McDonell, to the wife of Horace Lee, to the wife of A. Ball, to the wife of Samuel Nelles, and to the wife of Beverly Nelles, the sum of one thousand dollars. 20

"I also give and bequeath to Louisa Pierce Hurd, widow of the late Thomas G. Hurd, the sum of five hundred dollars. 25

"I also give and bequeath to Pauline, the wife of Angus D. McDonell, the sum of five hundred dollars, as a token of the esteem entertained for her by my deceased sister Emma, and to each of her children the sum of two hundred dollars. 30

"I also give and bequeath to Miss Euphemia Maughan, or in case of her death to her sister Janet, the sum of five hundred dollars, as an acknowledgment of her kindness and attention to my deceased sister Emma, on different occasions during her illness. 35

"I also give and bequeath to the Reverend Saltern Givins the sum of one thousand dollars, as a token of friendship and of my appreciation of his kindly nature and of gratitude for his many kindnesses to and consideration for my family.

"I also give and bequeath to Harriet, the wife of Dr. Charles 40 Trew, of New Westminster, British Columbia, the sum of five hundred dollars, as a small token of my appreciation of her worth.

"I also give and bequeath to my esteemed friend John Herbert Mason the sum of five hundred dollars, to be invested 45 by him, the interest to be compounded half-yearly, and when his youngest surviving daughter shall have attained the age of twenty-one years, the amount, with its accumulation, to be then paid over to her.

"I hereby charge all the foregoing bequests and legacies 50 primary upon the fund to be obtained by my said executors from the sale of my real estate, as hereinbefore directed to be sold, and secondarily upon the proceeds of my personal estate. My will is that, for the purpose of satisfying the foregoing bequests and legacies, the proceeds of my real estate (except the 55 portions thereof specifically devised by this my will) shall be exhausted before applying any of the proceeds of my personal estate in payment of the same.

"I give and devise to my said executors and the survivor of them two hundred shares of the stock of the Canada Perma- 60



5   nent Loan and Savings Company upon and for the following  
 trusts and purposes, namely: To receive the semi-annual  
 dividends, or income thereof, and divide the same into two  
 equal or unequal proportions, as my said executors, according  
 10 to their judgment and discretion, may think proper and judi-  
 cious, for the benefit of the surviving children of my deceased  
 brother James, and to pay one portion thereof to Sonora,  
 daughter of my said brother James, during her natural life,  
 and to pay the other portion to Samuel Henry, son of the said  
 15 brother James, during his natural life; such proportions to be  
 altered or varied from time to time, according as my said  
 executors, in their own judgment and discretion, may think  
 proper. On the death of the said Sonora or Samuel Henry  
 the said stock not required to pay the dividends or income  
 20 coming to the survivor, shall be sold, and shall thereupon  
 become and be dealt with under this my will as part of the  
 residue of my said personal estate, and in like manner on the  
 death of the survivor the balance of the said stock shall be  
 sold, and shall thereupon become and be dealt with as part of  
 the residue of my said personal estate; provided that all prior  
 charges and bequests have been satisfied.

“And I do hereby will and devise to my sister Ellen Ball,  
 and her heirs and assigns forever, all and singular the lands,  
 tenements, and hereditaments heretofore purchased and pro-  
 25 cured by her husband, Frederick Augustus Ball, by and with  
 moneys and means of mine then in his hands, being all the  
 lands the titles to which now stand in my name (save and  
 except those lands belonging to me situated in the city of  
 Toronto, and in the townships of Etobicoke and Toronto, and  
 30 the lands conveyed to me by J. C. Rykert), together with any  
 and all securities in relation to the lands so intended to be  
 devised by me to my said sister Ellen Ball, and every part  
 thereof.

“I hereby direct and my will is that in case of the death of  
 35 any of the devisees or legatees above named, before my own  
 decease, my will is that his or her share shall not lapse (except  
 in the cases of the said Euphemia Maughan or Janet Maughan,  
 the Reverend Saltern Givins, Harriet the wife of the said Dr.  
 Charles Trew, and the children of my deceased brother James,  
 40 but go to his or her legal representatives.

“I give and bequeath to the following charitable institu-  
 tions, in the city of Toronto, the sum of five hundred dollars  
 each, such sum to be paid to each of them exclusively out of  
 such portions of my personal estate as may be legally devoted  
 45 by me to charitable purposes: The Protestant Orphans’  
 Home, the House of Industry, the Girls’ Home, the Boys’  
 Home, the Newsboys’ Home and Lodging, the Infants’ Home,  
 the Hospital for Sick Children.

“I give and bequeath to the Synod of the Diocese of  
 50 Toronto for the trust fund established by the said Synod for  
 the support and maintenance of the widows and orphans of  
 clergymen of the Church of England in the said Diocese of  
 Toronto, the sum of one thousand dollars, to be paid to the  
 said Synod out of such portions of my said personal estate as  
 55 may be legally devoted by me to charitable purposes.

“I give and bequeath to the Churchwardens of the Church  
 of the Ascension (Canon Baldwin Memorial Church), in the  
 city of Toronto, the sum of one thousand dollars, for the benefit  
 of the Sunday school of the said church, such sum to be paid

to them out of such parts of my personal estate as may be legally devoted by me to charitable purposes.

“And as to the rest and residue of my said personal estate which may be exclusively and legally devoted by me to charitable purposes, I give and bequeath the same to the said Churchwardens of the said Church of the Ascension, to be invested by them for the purpose of forming an endowment for the support of the said church. 5

“And my will is if my said executors, or the survivor of them, shall at any time desire to be relieved from the trusts as to the said devises to the said Sonora or Samuel Henry, or to either of them, that he or they may be relieved on relinquishing by deed under seal the said trusts, and appointing two or more persons to act in his or their place or places. 10

“And I do hereby nominate and appoint Frederick Augustus Ball, now of the city of Toronto, Beverly R. Nelles, of the township of Grimsby, and William Horace Lee, of the city of Ottawa, the executors of this my last will and trustees for the purposes hereinbefore provided. 15

“That on the seventeenth day of May, one thousand eight hundred and eighty-two, the said Samuel B. Smith duly made and published a codicil to his said will as follows:

“1. I hereby devise and bequeath to the Protestant Episcopal Divinity School the sum of five thousand dollars in aid of the funds for the maintenance thereof. 25

“2. To each of the children, sons and daughters, of my three sisters, Ann Nelles, Harriet Lee, and Ellen Ball, I give and bequeath the further sum of one thousand dollars in addition to the sum bequeathed to each of them in my said will.

“3. To Jennie McDonell, the wife of my nephew, Samuel Smith McDonell, I give and bequeath the further sum of one thousand dollars in addition to the amount already bequeathed to her in my said will; and I hereby cancel the legacy of one thousand dollars given and bequeathed to the said Samuel Smith McDonell by my said will, and I direct my said executors to pay the said last mentioned sum of one thousand dollars to his wife, the said Jennie McDonell, in trust for the child or children of the said Samuel Smith McDonell. 35

“4. To the Women's Christian Association of Toronto, Nos. 19 and 21 Duke Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the Association for the time being. 40

“5. To the Mission of Toronto, No. 206 Seaton Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the said Mission for the time being. 45

“6. To my friends the Reverend Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. C. Biggar, all of the said city of Toronto, I give, devise, and bequeath the sum of thirty thousand dollars (\$30,000) as and for an endowment for the Church of the Ascension, in the said city of Toronto, to be invested by them in their own names as trustees for the said church. The interest, dividends, and emoluments arising from such investments to go into the general funds for the maintenance of the said church, formed by the pew rents and the offertory, and to be applied in connection with the latter in payment of the salaries of the incumbent and other officers of the said church; it being clearly understood and my will being that such incumbent shall hold, preach, and maintain in 55

the said Church of the Ascension the doctrines of the Church of England known and defined in the said Church of England as Evangelical, in contradistinction to what are known as Ritualistic, Sacramental or Sacerdotal; the distinction I desire to draw being between what is commonly known as High Church and Low Church views, to the latter of which I have heretofore in all humility and do now adhere. And in case the incumbent of the said Church of the Ascension now appointed thereto and doing duty therein, or any incumbent to be hereafter at any time appointed, shall teach, preach or otherwise maintain any other religious doctrines or views than those well known and defined as Low Church or Evangelical, then my will is that the said sum of thirty thousand dollars held in trust by the said Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. C. Biggar as such trustees, or by any succeeding trustee or trustees, to and for such endowment of the said Church of the Ascension, shall merge in my residuary estate, and be disposed of by and under the next succeeding clause in this codicil of my said last will and testament.

“ ‘Lastly, all the rest, residue and remainder of my estate, of whatever kind or nature it may be, of which I may die possessed or in any way entitled unto, I give, devise, and bequeath to the grandchildren of my sister, Ann Nelles, and my godchild, Lela McDonell, the daughter of my nephew Samuel Smith McDonell, to be equally divided between them, share and share alike.’ ”

“That the infant petitioners, Lela McDonell, Ida Anne Hawksley Nelles, Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Boswell Hyde, and Douglas Henry Nelles are the residuary legatees mentioned or referred to in the last clause of the said codicil as the grandchildren of the testator's sister, Ann Nelles, and his godchild, Lela McDonell, the daughter of the testator's nephew, Samuel Smith McDonell.

“That the petitioners being unable to agree upon the construction of the said will and codicil, whether the Church of the Ascension were entitled to the specific legacy of thirty thousand dollars contained in the codicil as well as the residuary bequest contained in the will itself, an action was brought in the Chancery Division of the High Court of Justice for Ontario, in which the trustees and executors of the said will were plaintiffs, and the petitioners and others were defendants, for the purpose of determining the question between parties concerned.

“That the said action was tried by the Chancellor of Ontario, on the sixth day of June, one thousand eight hundred and eighty-three, and on the ninth day of the same month the judgment of the Court was delivered, in which it was declared that the Church of the Ascension were entitled to the benefit of both of the legacies in question.

“That counsel acting for the said infant petitioners advised that said judgment should not be accepted as a final determination of their rights, and an appeal to the Court of Appeal was threatened and intended to be instituted on their behalf.

“That the protracted litigation thus threatened was detrimental to the interests of the Church of the Ascension, and counsel for all parties agreed (with the approbation of the Court) that a termination of the suit by compromise should, if possible, be attempted.

“That a meeting of the members of the said church was duly called, and largely attended, for the purpose of discussing



and, if possible, arriving at terms upon which they would consent to a compromise of said suit, and at said meeting the following resolution was unanimously passed with that object in view:

"Resolved that the congregation of the Church of the Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the Churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. R. W. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the above suit and all matters in difference between the church and Mr. Smith's estate, for signing a release to his executors of all claims on behalf of the church under the said will or upon Mr. Smith's subscription to the building fund or his subscription notes, provided Mr. Smith's executors will—

"1. Release the church from all its obligations to the late S. B. Smith, and discharge the mortgage from the church to him;

"2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death, as collateral to the said mortgage, except Mr. Smith's own notes;

"3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement;

"4. Pay all expenses incurred, or to be incurred, by the church in the various negotiations with Mr. Smith's executors, and in the litigation, and in carrying out this arrangement."

"That counsel for all parties accepted the said resolution as embodying the terms of a fair and proper compromise of the pending litigation.

"That subsequently, on the fifth day of October, one thousand eight hundred and eighty-three, on the application of counsel acting for the infant petitioners, an order (a true copy of which is set forth in the schedule of this Act marked A) for the compromise of the said suit, upon the terms of the said resolution, was made by Mr. Justice Ferguson, one of the Justices of the said Court.

"That the compromise was a fair and proper one, under the circumstances, for legislative sanction and confirmation.

"That at the time of his death the said church were indebted to the testator for money loaned on the security of the church property and otherwise in a sum exceeding thirty-six thousand dollars.

"That the value of the estate of the late Samuel B. Smith is estimated at one hundred and ninety-nine thousand five hundred and thirty-six dollars.

"That the legacies specially bequeathed under the said will and codicil amount to the sum of one hundred and sixty-nine thousand dollars, leaving a residuary estate of the estimated value of thirty thousand dollars or thereabouts.

"That the members of the church were unable to cope with its indebtedness to the said estate, and by reason thereof and the pending litigation their existence as a church was seriously imperilled.

"That the proposed settlement was desirable in the interests of the infant petitioners, inasmuch as if the judgment of the said Court were sustained in appeal, they would be deprived of all benefit under the said residuary bequest.



"And therefore prayed that an Act might be passed in order to confirm the said compromise and order of Mr. Justice Ferguson and the several provisions thereof, and to effectuate the same."

5 And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. The said order dated the fifth day of October, one thousand eight hundred and eighty-three, made by Mr. Justice Ferguson, one of the Justices of the Chancery Division of the High Court of Justice for Ontario, in the schedule to this Act set forth and marked A, is hereby confirmed, and declared  
 15 to be valid and binding upon all the parties thereto, and the trustees of the will of the said Samuel B. Smith, esquire, deceased, the trustees of the bequest of thirty thousand dollars to the Church of the Ascension in the codicil to the said will mentioned, and the churchwardens of the said church are  
 20 hereby authorized and required to carry into effect the several provisions thereof, and in so doing are hereby saved harmless and indemnified in the premises.

Order of High Court set forth in schedule confirmed.

2. Any of the said parties to the said order, or their respective representatives, or the said churchwardens, or the said  
 25 trustees, or either of them, or the survivor of them, or their successors under the trusts of the will of the said late Samuel B. Smith, esquire, deceased, may from time to time apply in a summary manner, by petition or otherwise, in the suit in which the said order was made, to the Chancery Division of the  
 30 High Court of Justice for Ontario, or to a Judge of the said High Court, upon notice to such other of the said parties, or to the said trustees or churchwardens, as the case may be, as the said Court or Judge may direct, in respect of any matter or thing for carrying into effect the provisions of the said order  
 35 and compromise, or in respect of any matter or thing, including the matter of costs connected therewith, or in regard to which the said Court or Judge would have jurisdiction in case an action or other proceeding were instituted in said Court, and the said Court or Judge may have jurisdiction in the said suit  
 40 upon such application to make such order in the premises as may be just.

Application to Court authorized.

3. As soon as the said order is carried into effect, and the releases and other instruments and things therein referred to executed and done by the respective parties therein mentioned, the  
 45 estate of the said S. B. Smith, and the executors thereof, and the survivors and survivor thereof, and the executors and administrators of such survivor shall thenceforth be absolutely and forever freed, released, and discharged of and from all informations, actions, suits, claims, demands, accounts, and reckonings by or on  
 50 behalf of Her Majesty's Attorney-General, or by or on behalf of any present or future incumbent or incumbents of the said Church of the Ascension, or by or on behalf of the present or any future churchwardens of the said church, or by or on behalf of the present or any future congregation of the said church, or by  
 55 or on behalf of any present or future member or members, adherent or adherents thereof, or by or on behalf of any person

Release to executors.

or persons whomsoever in respect of the respective gifts, bequests, and legacies in the said will and codicils given or bequeathed to, or for the benefit of, or as an endowment, or in trust for the said Church of the Ascension, or the incumbent, officers, or congregation thereof, or in respect of either of them 5 or of any part thereof, or of the interest, income, dividends, or emoluments thereof, or of either or of any part thereof.

Release to  
church-  
wardens.

4. As soon as the said order is carried into effect as aforesaid the churchwardens of the said church and their successors, and the said Reverend Henry Grasett Baldwin, Frederick A. 10 Ball, and Charles R. W. Biggar, and each of them, and their respective heirs, executors, and administrators shall thenceforth and forever become and be absolutely freed, relieved, and discharged of and from all informations, suits actions, claims, demands, accounts, and reckonings by or on behalf of Her Majesty's 15 Attorney-General, or by or on behalf of any present or future incumbent or incumbents of the said Church of the Ascension, or by or on behalf of the present or any future churchwardens of the said church, or by or on behalf of the present or any future congregation of the said church, or by or on behalf of 20 any present or future member or members, adherent or adherents thereof, or by or on behalf of any person or persons whomsoever in respect of the said respective gifts, bequests, and legacies in the said will and codicils given or bequeathed as aforesaid, or in respect of either of them or any part thereof, or of the 25 interest, income, dividends, or emoluments thereof, or of any part thereof; and as soon as the said order is carried into effect as aforesaid, the trusts of the said respective gifts, bequests, and legacies for the benefit and endowment of the Church of the Ascension shall thenceforth cease and be absolutely satisfied and 30 forever extinguished to all intents and purposes whatsoever.

#### SCHEDULE A.

*In the High Court of Justice,* }  
*Chancery Division.* }  
MR. JUSTICE FERGUSON. }

Friday, the fifth day of October,  
A.D. 1883.

Between

Frederick A. Ball, Beverly R. Nelles, and William Horace Lee, executors and trustees under the last will and testament of Samuel B. Smith, deceased, plaintiffs;

The Rector and Churchwardens of the Church of the Ascension, the Reverend Henry Grasett Baldwin, Frederick A. Ball, and C. W. R. Biggar as trustees for the said Church of the Ascension, the Corporation of Wycliffe College, the Women's Christian Association, and Adelaide Maynard, treasurer of the Haven, Lela McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning

Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Boswell Hyde, and Douglas Henry Nelles, the eight last mentioned being infants under the age of twenty-one years, defendants.

Upon motion this day made unto this Court by Mr. Hoskin, Q.C., of counsel for the infant defendants and their guardian *ad litem*, in the presence of counsel for all parties, upon hearing read the proceedings herein, the judgment pronounced at the hearing of this action, and the resolution passed by the congregation of the said Church of the Ascension, which is in the words and figures following:

"Resolved that the congregation of the Church of the Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. W. R. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the above suit and all matters in difference between the church and Mr. Smith's estate by signing a release to his executors of all claims on behalf of the church under the said will, or upon Mr. Smith's subscription to the building fund, or his subscription notes, provided Mr. Smith's executors will—

"1. Release the church from all its obligation to the late S. B. Smith, and discharge the mortgage from the church to him;

"2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death as collateral to the said mortgage, except Mr. Smith's own notes;

"3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement;

"4. Pay all expenses incurred or to be incurred by the church in the various negotiations with Mr. Smith's executors, and in the litigation and in carrying out this arrangement."

And counsel for all parties, other than the said infants, consenting, and the said guardian *ad litem* not objecting, and it appearing to be to the interest of the said infants that the said resolution should be sanctioned on behalf of the said infants:

1. This Court doth order and adjudge that the settlement set out in the said resolution be, and the same is hereby approved on behalf of the said infants, and that the said guardian be and he is hereby authorized to take such steps and to consent to such proceedings as may be necessary to obtain legislative sanction to the said settlement.

And it is further ordered that the costs of all parties up to and inclusive of this order, and of and incidental to the negotiations leading up to the said settlement, be taxed and paid by the executors out of the estate of the testator as between solicitor and client.

2. And it is further ordered, all parties consenting thereto, that further proceedings in this action be stayed until after the next session of the Legislature of the Province of Ontario.

3. And it is further ordered that the plaintiffs be at liberty to pay over forthwith to the Protestant Episcopal Divinity School Corporation the bequest made to them in the said will, upon the written undertaking of Lieutenant-Colonel C. S. Gzowski, A.D.C., and the Honourable S. H. Blake, Q.C., being



filed that they will refund the same and interest, or any part thereof, upon being ordered by this Court so to do, and counsel for the said C. S. Gzowski and S. H. Blake appear and undertake on their behalf that they will refund the said bequest and interest, or any part thereof, when ordered so to do by this Court.

Judgment entered this fifth day of October, one thousand eight hundred and eighty-three.

[Signed] GEO. S. HOLMESTED,  
Registrar.

I. B. 4, p. 210.  
[Signed] H. A. S.

BILL.

An Act respecting the Trusts of the Will of  
the late Samuel B. Smith, deceased.

First Reading, 1884.

(PRIVATE BILL.)

MR. HARCOURT.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.



An Act respecting the Trusts of the Will of the late  
Samuel B. Smith, deceased.

WHEREAS the Rector and Churchwardens of the Church of Preamble.

the Ascension, in the city of Toronto, the Reverend Henry Grasett Baldwin, Frederick A. Ball and Charles R. W. Biggar, all of the said city of Toronto, trustees for the said church under the will of Samuel B. Smith, esquire, deceased, and  
5 Lela Isabella McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Roswell Hyde, and Douglas Henry Nelles, infants under the age of  
10 twenty-one years, by John Hoskin, esquire, their guardian *ad litem*, have presented their petition, stating amongst other things as follows:—

“That Samuel B. Smith, late of the city of Toronto, esquire, deceased, departed this life on or about the sixteenth day of  
15 July, one thousand eight hundred and eighty-two, having first duly made and published his last will and testament, in which, after revoking all former wills made by him, he devised and bequeathed his estate as follows:

“I direct that all my estate, real and personal, except the  
20 stock, lands, and securities hereinafter mentioned and specially devised, be as soon after my decease as possible sold and disposed of for its reasonable value, either by public auction or by private sale, and on such terms of payment as to my executors shall seem meet;” and for such purpose I do hereby give  
25 to and invest in such my executors full power and authority to sell and make conveyance of my said real estate, except the lands hereby specially devised, in fee simple or otherwise, and in blocks as they now are, or in sub-divisions thereof, in as full and ample a manner as I could do myself, if living, for  
30 cash, or part cash and part credit, and to take and receive securities for the amounts unpaid by mortgage in such manner as is usual to insure the full and punctual payment thereof.

“And I direct that all debts due and owing to me (save and except dividends accrued on the stocks hereinafter specially  
35 devised) shall be with all speed, after my decease, collected in by my said executors, and such debts as they may not be able to enforce immediate payment of in full, they may compound for a reasonable portion of the amount thereof.

“And I direct that my just debts (if any at the time of my  
40 decease) and my funeral and testamentary expenses be paid out of the first moneys that shall come into the hands of my executors.

“And after payment of all debts and expenses, as aforesaid, I do devise and bequeath the said stocks and all moneys and securities and the produce or proceeds of the said sales and debts due to me, as follows:

"I devise and bequeath to my sister Anne Nelles the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; to each of her two daughters, two thousand dollars; and to each of her grandchildren, who may be living at the time of my decease, one thousand dollars. 5

"I also give and bequeath to my sister Harriet Lee the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; and to each of her three daughters, two thousand dollars.

"I also give and bequeath to my sister Ellen Ball the sum of ten thousand dollars, which, with certain property in Hamilton and other property purchased by her husband with money belonging to me, fully making up the amount of twenty thousand dollars; to each of her three sons, one thousand dollars; to each of her two daughters, two thousand dollars. 10

"I also give and bequeath to my sister Margaret McDonell, she being already largely possessed with this world's goods, the sum of five thousand dollars; and to each of her four children, one thousand dollars. 15

"I also give and bequeath to each of the wives of my six nephews, namely, to the wife of Samuel Smith McDonell, to the wife of James George McDonell, to the wife of Horace Lee, to the wife of A. Ball, to the wife of Samuel Nelles, and to the wife of Beverly Nelles, the sum of one thousand dollars. 20

"I also give and bequeath to Louisa Pierce Hurd, widow of the late Thomas G. Hurd, the sum of five hundred dollars. 25

"I also give and bequeath to Pauline, the wife of Angus D. McDonell, the sum of five hundred dollars, as a token of the esteem entertained for her by my deceased sister Emma, and to each of her children the sum of two hundred dollars.

"I also give and bequeath to Miss Euphemia Maughan, or in case of her death to her sister Janet, the sum of five hundred dollars, as an acknowledgment of her kindness and attention to my deceased sister Emma, on different occasions during her illness. 30

"I also give and bequeath to the Reverend Saltern Givins the sum of one thousand dollars, as a token of friendship and of my appreciation of his kindly nature and of gratitude for his many kindnesses to and consideration for my family. 35

"I also give and bequeath to Harriet, the wife of Dr. Charles Trew, of New Westminster, British Columbia, the sum of five hundred dollars, as a small token of my appreciation of her worth. 40

"I also give and bequeath to my esteemed friend John Herbert Mason the sum of five hundred dollars, to be invested by him, the interest to be compounded half-yearly, and when his youngest surviving daughter shall have attained the age of twenty-one years, the amount, with its accumulation, to be then paid over to her. 45

"I hereby charge all the foregoing bequests and legacies primary upon the fund to be obtained by my said executors from the sale of my real estate, as hereinbefore directed to be sold, and secondarily upon the proceeds of my personal estate. My will is that, for the purpose of satisfying the foregoing bequests and legacies, the proceeds of my real estate (except the portions thereof specifically devised by this my will) shall be exhausted before applying any of the proceeds of my personal estate in payment of the same. 50

"I give and devise to my said executors and the survivor of them two hundred shares of the stock of the Canada Perma- 55

5     nent Loan and Savings Company upon and for the following  
 trusts and purposes, namely: To receive the semi-annual  
 dividends, or income thereof, and divide the same into two  
 equal or unequal proportions, as my said executors, according  
 10   to their judgment and discretion, may think proper and judi-  
 cious, for the benefit of the surviving children of my deceased  
 brother James, and to pay one portion thereof to Sonora,  
 daughter of my said brother James, during her natural life,  
 and to pay the other portion to Samuel Henry, son of the said  
 15   brother James, during his natural life; such proportions to be  
 altered or varied from time to time, according as my said  
 executors, in their own judgment and discretion, may think  
 proper. On the death of *either* of the said Sonora or Samuel  
 Henry the said stock not required to pay the dividends or income  
 20   coming to the survivor, shall be sold, and shall thereupon  
 become and be dealt with under this my will as part of the  
 residue of my said personal estate, and in like manner on the  
 death of the survivor the balance of the said stock shall be  
 sold, and shall thereupon become and be dealt with, *under this*  
 25   *my will*, as part of the residue of my said personal estate; pro-  
 vided that all prior charges and bequests have been satisfied.

“And I do hereby will and devise to my sister Ellen Ball,  
 and her heirs and assigns forever, all and singular the lands,  
 tenements, and hereditaments heretofore purchased and pro-  
 25   cured by her husband, Frederick Augustus Ball, by and with  
 moneys and means of mine then in his hands, being all the  
 lands the titles to which now stand in my name (save and  
 except those lands belonging to me situated in the city of  
 Toronto, and in the townships of Etobicoke and Toronto, and  
 the lands conveyed to me by J. C. Rykert), together with,  
 30   any and all securities in relation to the lands so intended to  
 be devised by me to my said sister Ellen Ball, and every  
 part thereof.

“I hereby direct and my will is that in case of the death of  
 any of the devisees or legatees above named, before my own  
 decease, my will is that his or her share shall not lapse (except  
 35   in the cases of the said Euphemia Maughan or Janet Maughan,  
 the Reverend Saltern Givins, Harriet the wife of the said Dr.  
 Charles Trew, and the children of my deceased brother James),  
 but go to his or her legal representatives.

“I give and bequeath to the following charitable institu-  
 40   tions, in the city of Toronto, the sum of five hundred dollars  
 each, such sum to be paid to each of them exclusively out of  
 such portions of my personal estate as may be legally devoted  
 by me to charitable purposes: The Protestant Orphans’  
 Home, the House of Industry, the Girls’ Home, the Boys’  
 45   Home, the Newsboys’ Home and Lodging, the Infants’ Home,  
 the Hospital for Sick Children.

“I give and bequeath to the Synod of the Diocese of  
 Toronto for the trust fund established by the said Synod for  
 the support and maintenance of the widows and orphans of  
 50   clergymen of the Church of England in the said Diocese of  
 Toronto, the sum of one thousand dollars, to be paid to the  
 said Synod out of such portions of my said personal estate as  
 may be legally devoted by me to charitable purposes.

“I give and bequeath to the Churchwardens of the Church  
 55   of the Ascension (Canon Baldwin Memorial Church), in the  
 city of Toronto, the sum of one thousand dollars, for the benefit  
 of the Sunday school of the said church, such sum to be paid



to them out of such *portions* of my *said* personal estate as may be legally devoted by me to charitable purposes.

“And as to the rest and residue of my *said* personal estate which may be exclusively and legally devoted by me to charitable purposes, I give and bequeath the same to the *said* Churchwardens of the *said* Church of the Ascension, to be invested by them for the purpose of forming an endowment for the support of the *said* church. 5

“And my will is if my *said* executors, or the survivor of them, shall at any time desire to be relieved from the trusts as to the *said* devises to the *said* Sonora or Samuel Henry, or to either of them, that he or they may be relieved on relinquishing by deed under seal the *said* trusts, and appointing two or more persons to act in his or their place or places. 10

“And I do hereby nominate and appoint Frederick Augustus Ball, now of the city of Toronto, Beverly R. Nelles, of the township of Grimsby, and William Horace Lee, of the city of Ottawa, the executors of this my last will and trustees for the purposes hereinbefore provided. 15

“That on the seventeenth day of May, one thousand eight hundred and eighty-two, the *said* Samuel B. Smith duly made and published a codicil to his *said* will as follows: 20

“1. I hereby devise and bequeath to the Protestant Episcopal Divinity School the sum of five thousand dollars in aid of the funds for the maintenance thereof.

“2. To each of the children, sons and daughters, of my three sisters, Ann Nelles, Harriet Lee, and Ellen Ball, I give and bequeath the further sum of one thousand dollars in addition to the sum bequeathed to each of them in my *said* will. 25

“3. To Jennie McDonell, the wife of my nephew, Samuel Smith McDonell, I give and bequeath the further sum of one thousand dollars in addition to the amount already bequeathed to her in my *said* will; and I hereby cancel the legacy of one thousand dollars given and bequeathed to the *said* Samuel Smith McDonell by my *said* will, and I direct my *said* executors to pay the *said* last mentioned sum of one thousand dollars to his wife, the *said* Jennie McDonell, in trust for the child or children of the *said* Samuel Smith McDonell. 30 35

“4. To the Women’s Christian Association of Toronto, Nos. 19 and 21 Duke Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the Association for the time being. 40

“5. To the *Prison Gate* Mission of Toronto, No. 206 Seaton Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the *said* Mission for the time being.

“6. To my friends the Reverend Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. W. Biggar, all of the *said* city of Toronto, I give, devise, and bequeath the sum of thirty thousand dollars (\$30,000) as and for an endowment for the Church of the Ascension, in the *said* city of Toronto, to be invested by them in their own names as trustees for the *said* church. The interest, dividends, and emoluments arising from such investments to go into the general funds for the maintenance of the *said* church, formed by the pew rents and the offertory, and to be applied in connection with the latter in payment of the salaries of the incumbent and other officers of the *said* church, and in the maintenance and support of the services of the same Church; it being clearly understood and my 50



will being that such incumbent shall hold, preach, and maintain in the said Church of the Ascension the doctrines of the Church of England known and defined in the said Church of England as Evangelical, in contradistinction to what are known as Ritualistic, Sacramental or Sacerdotal; the distinction I desire to draw being between what is commonly known as High Church and Low Church views, to the latter of which I have heretofore in all humility and do now adhere. And in case the incumbent of the said Church of the Ascension now appointed thereto and doing duty therein, or any incumbent to be hereafter at any time appointed, shall teach, preach or otherwise maintain any other religious doctrines or views than those well known and defined as Low Church or Evangelical, then my will is that the said sum of thirty thousand dollars held in trust by the said Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. C. Biggar as such trustees, or by any succeeding trustee or trustees, to and for such endowment of the said Church of the Ascension, shall merge in my residuary estate, and be disposed of by and under the next succeeding clause in this codicil of my said last will and testament.

"Lastly, all the rest, residue and remainder of my estate, of whatever kind or nature it may be, of which I may die possessed or in any way entitled unto, I give, devise, and bequeath to the grandchildren of my sister, Ann Nelles, and my godchild, Lela McDonell, the daughter of my nephew Samuel Smith McDonell, to be equally divided between them, share and share alike."

That on the sixth day of July, in the year of our Lord one thousand eight hundred and eighty-two, the said Samuel B. Smith duly made and published a second codicil to his said Will, as follows:—"I hereby revoke the bequest of one thousand dollars, made on the second page of my said Will, to each of the grand-children of my sister Ann Nelles, as I consider that they are well provided for under the residuary clause of the within codicil."

"That the infant petitioners, Lela McDonell, Ida Anne Hawksley Nelles, *Julia Lilian* Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, *Wilson Boies Nelles*, Roswell Hyde, and Douglas Henry Nelles are the residuary legatees mentioned or referred to in the last clause of the said codicil as the grand-children of the testator's sister, Ann Nelles, and his godchild, Lela McDonell, the daughter of the testator's nephew, Samuel Smith McDonell.

"That the petitioners being unable to agree upon the construction of the said will and codicil, whether the Church of the Ascension were entitled to the specific legacy of thirty thousand dollars contained in the codicil as well as the residuary bequest contained in the will itself, an action was brought in the Chancery Division of the High Court of Justice for Ontario, in which the trustees and executors of the said will were plaintiffs, and the petitioners and others were defendants, for the purpose of determining the question between parties concerned.

"That the said action was tried by the Chancellor of Ontario, on the sixth day of June, one thousand eight hundred and eighty-three, and on the ninth day of the same month the judgment of the Court was delivered, in which it was declared that the Church of the Ascension were entitled to the benefit of both of the legacies in question.

"That counsel acting for the said infant petitioners advised

that said judgment should not be accepted as a final determination of their rights, and an appeal to the Court of Appeal was threatened and intended to be instituted on their behalf.

"That the protracted litigation thus threatened was detrimental to the interests of the Church of the Ascension, and 5 counsel for all parties agreed (with the approbation of the Court) that a termination of the suit by compromise should, if possible, be attempted.

"That a meeting of the members of the said church was duly called, and largely attended, for the purpose of discussing 10 and, if possible, arriving at terms upon which they would consent to a compromise of said suit, and at said meeting the following resolution was unanimously passed with that object in view:

"Resolved that the congregation of the Church of the 15 Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the Churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. R. W. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the 20 above suit and all matters in difference between the church and Mr. Smith's estate, for signing a release to his executors of all claims on behalf of the church under the said will or upon Mr. Smith's subscription to the building fund or his subscription notes, provided Mr. Smith's executors will— 25

"1. Release the church from all its obligations to the late S. B. Smith, and discharge the mortgage from the church to him;

"2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death, as col- 30 lateral to the said mortgage, except Mr. Smith's own notes;

"3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement;

"4. Pay all expenses incurred, or to be incurred, by the 35 church in the various negotiations with Mr. Smith's executors, and in the litigation, and in carrying out this arrangement."

"That counsel for all parties accepted the said resolution as embodying the terms of a fair and proper compromise of the 40 pending litigation.

"That subsequently, on the fifth day of October, one thousand eight hundred and eighty-three, on the application of counsel acting for the infant petitioners, an order (a true copy of which is set forth in the schedule of this Act marked A) 45 for the compromise of the said suit, upon the terms of the said resolution, was made by Mr. Justice Ferguson, one of the Justices of the said Court.

"That the compromise was a fair and proper one, under the circumstances, for legislative sanction and confirmation. 50

"That at the time of his death the said church were indebted to the testator for money loaned on the security of the church property and otherwise in a sum exceeding thirty-six thousand dollars.

"That the value of the estate of the late Samuel B. Smith 55 is estimated at *about* one hundred and *seventy-five* thousand dollars.

"That the legacies specially bequeathed under the said will and codicil amount to the sum of one hundred and sixty-nine

thousand dollars, leaving a residuary estate of the estimated value of thirty thousand dollars or thereabouts.

"That the members of the church were unable to cope with its indebtedness to the said estate, and by reason thereof and the pending litigation their existence as a church was seriously imperilled.

"That the proposed settlement was desirable in the interests of the infant petitioners, inasmuch as if the judgment of the said Court were sustained in appeal, they would be deprived of all benefit under the said residuary bequest.

"And therefore prayed that an Act might be passed in order to confirm the said compromise and order of Mr. Justice Ferguson and the several provisions thereof, and to effectuate the same."

And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said order dated the fifth day of October, one thousand eight hundred and eighty-three, made by Mr. Justice Ferguson, one of the Justices of the Chancery Division of the High Court of Justice for Ontario, in the schedule to this Act set forth and marked A, *except as to the last clause thereof*

Order of High Court set forth in schedule confirmed except as to last clause.

*relating to the Protestant Divinity School Corporation*, is hereby confirmed, and declared to be valid and binding upon all the parties thereto, and the trustees of the will of the said Samuel B. Smith, esquire, deceased, the trustees of the bequest of thirty thousand dollars to the Church of the Ascension in the codicil to the said will mentioned, and the churchwardens of the said church are hereby authorized and required to carry into effect the several provisions thereof, and in so doing are hereby saved harmless and indemnified in the premises.

2. Any of the said parties to the said order, or their respective representatives, or the said churchwardens, or the said trustees, or either of them, or the survivor of them, or their successors under the trusts of the will of the said late Samuel B. Smith, esquire, deceased, may from time to time apply in a summary manner, by petition or otherwise, in the suit in which the said order was made, to the Chancery Division of the High Court of Justice for Ontario, or to a Judge of the said High Court, upon notice to such other of the said parties, or to the said trustees or churchwardens, as the case may be, as the said Court or Judge may direct, in respect of any matter or thing for carrying into effect the provisions of the said order and compromise, or in respect of any matter or thing, including the matter of costs connected therewith, or in regard to which the said Court or Judge would have jurisdiction in case an action or other proceeding were instituted in said Court, and the said Court or Judge may have jurisdiction in the said suit upon such application to make such order in the premises as may be just.

Application to Court authorized.

3. As soon as the said order is carried into effect, and the releases and other instruments and things therein referred to executed and done by the respective parties therein mentioned, the

Release to executors.



estate of the said S. B. Smith, and the executors thereof, and the survivors and survivor thereof, and the executors and administrators of such survivor shall thenceforth be absolutely and forever freed, released, and discharged of and from all informations, actions, suits, claims, demands, accounts, and reckonings by or on behalf of Her Majesty's Attorney-General, or by or on behalf of any present or future incumbent or incumbents of the said Church of the Ascension, or by or on behalf of the present or any future churchwardens of the said church, or by or on behalf of the present or any future congregation of the said church, or by or on behalf of any present or future member or members, adherent or adherents thereof, or by or on behalf of any person or persons whomsoever in respect of the respective gifts, bequests, and legacies in the said will and codicils given or bequeathed to, or for the benefit of, or as an endowment, or in trust for the said Church of the Ascension, or the incumbent, officers, or congregation thereof, or in respect of either of them or of any part thereof, or of the interest, income, dividends, or emoluments thereof, or of either or of any part thereof.

Release to  
church-  
wardens and  
trustees.

4. As soon as the said order is carried into effect as afore-  
said the churchwardens of the said church and their successors,  
and the said Reverend Henry Grasett Baldwin, Frederick A.  
Ball, and Charles R. W. Biggar, and each of them, and their res-  
pective heirs, executors, and administrators shall thenceforth and  
forever become and be absolutely freed, relieved, and discharged  
of and from all informations, suits, actions, claims, demands,  
accounts, and reckonings by or on behalf of Her Majesty's  
Attorney-General, or by or on behalf of any present or future  
incumbent or incumbents of the said Church of the Ascension,  
or by or on behalf of the present or any future churchwardens  
of the said church, or by or on behalf of the present or any  
future congregation of the said church, or by or on behalf of  
any present or future member or members, adherent or adher-  
ents thereof, or by or on behalf of any person or persons whom-  
soever in respect of the said respective gifts, bequests, and lega-  
cies in the said will and codicils given or bequeathed as afore-  
said, or in respect of either of them or any part thereof, or of the  
interest, income, dividends, or emoluments thereof, or of any  
part thereof; and as soon as the said order is carried into effect  
as aforesaid, the trusts of the said respective gifts, bequests, and  
legacies for the benefit and endowment of the Church of the  
Ascension shall thenceforth cease and be absolutely satisfied and  
forever extinguished to all intents and purposes whatsoever.

#### SCHEDULE A.

*In the High Court of Justice,*  
*Chancery Division.*  
MR. JUSTICE FERGUSON.

Friday, the fifth day of October,  
A.D. 1883.

Between

Frederick A. Ball, Beverly R. Nelles, and William  
Horace Lee, executors and trustees under the last will



and testament of Samuel B. Smith, deceased, plaintiffs;

The Rector and Churchwardens of the Church of the Ascension, the Reverend Henry Grasett Baldwin, Frederick A. Ball, and C. R. W. Biggar as trustees for the said Church of the Ascension, the Corporation of Wycliffe College, the Women's Christian Association, and Adelaide Maynard, treasurer of the Haven, Lela McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Roswell Hyde, and Douglas Henry Nelles, the eight last mentioned being infants under the age of twenty-one years, defendants.

Upon motion this day made unto this Court by Mr. Hoskin, Q.C., of counsel for the infant defendants and their guardian *ad litem*, in the presence of counsel for all parties, upon hearing read the proceedings herein, the judgment pronounced at the hearing of this action, and the resolution passed by the congregation of the said Church of the Ascension, which is in the words and figures following:

"Resolved that the congregation of the Church of the Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. R. W. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the above suit and all matters in difference between the church and Mr. Smith's estate by signing a release to his executors of all claims on behalf of the church under the said will, or upon Mr. Smith's subscription to the building fund, or his subscription notes, provided Mr. Smith's executors will—

"1. Release the church from all its obligation to the late S. B. Smith, and discharge the mortgage from the church to him;

"2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death as collateral to the said mortgage, except Mr. Smith's own notes;

"3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement;

"4. Pay all expenses incurred or to be incurred by the church in the various negotiations with Mr. Smith's executors, and in the litigation and in carrying out this arrangement."

And counsel for all parties, other than the said infants, consenting, and the said guardian *ad litem* not objecting, and it appearing to be to the interest of the said infants that the said resolution should be sanctioned on behalf of the said infants:

1. This Court doth order and adjudge that the settlement set out in the said resolution be, and the same is hereby approved on behalf of the said infants, and that the said guardian be and he is hereby authorized to take such steps and to consent to such proceedings as may be necessary to obtain legislative sanction to the said settlement.

And it is further ordered that the costs of all parties up to and inclusive of this order, and of and incidental to the negotia-

tions leading up to the said settlement, be taxed and paid by the executors out of the estate of the testator as between solicitor and client.

2. And it is further ordered, all parties consenting thereto, that further proceedings in this action be stayed until after the next session of the Legislature of the Province of Ontario.

3. And it is further ordered that the plaintiffs be at liberty to pay over forthwith to the Protestant Episcopal Divinity School Corporation the bequest made to them in the said will, upon the written undertaking of Lieutenant-Colonel C. S. Gzowski, A.D.C., and the Honourable S. H. Blake, Q.C., being filed that they will refund the same and interest, or any part thereof, upon being ordered by this Court so to do, and counsel for the said C. S. Gzowski and S. H. Blake appear and undertake on their behalf that they will refund the said bequest and interest, or any part thereof, when ordered so to do by this Court.

Judgment entered this fifth day of October, one thousand eight hundred and eighty-three.

[Signed] GEO. S. HOLMESTED,  
Registrar.

I. B. 4, p. 210.

[Signed] H. A. S.



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1st Session, 5th Legislature, 47 Vic. 1884.

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BILL.

An Act respecting the Trusts of the Will of  
the late Samuel B. Smith, deceased.

*(Reprinted as amended.)*

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First Reading, 12th February, 1884.

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*(PRIVATE BILL)*

MR. HARCOURT.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act respecting a certain By-law of the Town of  
Trenton.

WHEREAS Messieurs Gilmour & Company desired to lay Preamble.

down a rail or tramway from their mills in the town of  
Trenton to a piling yard situate some distance from said mills ;  
and whereas the corporation of the town of Trenton, intending  
5 to give said Gilmour & Company power to lay down said tram  
or railway on certain streets in said town, for that purpose did  
pass a by-law of said corporation ; and whereas said Gilmour  
& Company, acting on the said permission, did build and con-  
struct the said tram or railway, and for the last eighteen months  
10 have been using the same ; and whereas doubts have been ex-  
pressed as to the power of the said corporation to give such  
permission, and the said Messieurs Gilmour & Company and  
the said corporation have respectively petitioned that an Act  
may be passed to remove said doubt, and to confirm and make  
15 legal and valid the acts of said Gilmour & Company done under  
and upon the faith of said permission ; and it is expedient to  
grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows :—

1. The consent of the said the corporation of the town of Trenton to the construction of the said tramway or railway by Gilmour & Company upon the streets in the by-law of the said corporation, passed in that behalf, specified, that is to say :  
25 upon Ontario Street and Water Street in the said town of Trenton is hereby declared to be binding, legal and valid in all respects.

2. The acts of the said firm of Gilmour & Company done under the said permission of the said corporation of the town of Trenton, in the construction of the said tram or railway in  
30 accordance with the requirements of said consent, and the laying down and the use of the said tram or railway by the means and in the manner the same has been used for the purposes of their said business, are hereby declared to be legal  
35 and valid, and for the purposes of their business as aforesaid, and for the purposes intended by said consent of said corporation, they shall have the right to maintain and use the said tram or railway by the means and for the purposes they have heretofore been using the same since the construction thereof.

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting a certain By-law of the  
Town of Trenton.

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First Reading,	1884.
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(*PRIVATE BILL.*)

Mr. SULLS.

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TORONTO:

PRINTED BY C. BLACKETT ROBINSON.



An Act respecting a certain By-law of the Town of  
Trenton.

WHEREAS Messieurs Gilmour & Company desired to lay Preamble.  
down a rail or tramway from their mills in the town of  
Trenton to a piling yard situate some distance from said mills;  
and whereas the corporation of the town of Trenton, intending  
5 to give said Gilmour & Company power to lay down said tram  
or railway on certain streets in said town, for that purpose did  
pass a by-law of said corporation; and whereas said Gilmour  
& Company, acting on the said permission, did build and con-  
struct the said tram or railway, and for the last eighteen months  
10 have been using the same; and whereas doubts have been ex-  
pressed as to the power of the said corporation to give such  
permission, and the said Messieurs Gilmour & Company and  
the said corporation have respectively petitioned that an Act  
may be passed to remove said doubt, and to confirm and make  
15 legal and valid the acts of said Gilmour & Company done under  
and upon the faith of said permission; and it is expedient to  
grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. The consent of the said the corporation of the town of Consent to  
Trenton to the construction of the said tramway or railway construction  
by Gilmour & Company upon the streets in the by-law of the of tramway to  
said corporation, passed in that behalf, specified, that is to say: be valid.  
25 upon Ontario Street and Water Street in the said town of  
Trenton is hereby declared to be binding, legal and valid in all  
respects.

2. The acts of the said firm of Gilmour & Company done Gilmour & Co  
under the said permission of the said corporation of the town to have the  
of Trenton, in the construction of the said tram or railway in right to con-  
30 accordance with the requirements of said consent, and the tinue the use  
laying down and the use of the said tram or railway by the of the tram-  
means and in the manner the same has been used for the pur- way.  
poses of their said business, are hereby declared to be legal  
35 and valid, and for the purposes of their business as aforesaid,  
and for the purposes intended by said consent of said corpora-  
tion, they shall have the right to maintain and use the said  
tram or railway by the means and for the purposes they have  
heretofore been using the same since the construction thereof.

40 3.  It is hereby further enacted that nothing in this Act  
contained shall be held or taken to affect the right or claim  
(if any such exists,) of Hannah Cochraine to compensation for  
any damage which she may have suffered by means of the  
construction of said tramway.  Rights of H.  
Cochraine  
preserved.

No. 9.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting a certain By-law of the  
Town of Trenton.

*(Reprinted as amended.)*

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First Reading, 15th February, 1884.

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*(PRIVATE BILL.)*

Mr. SULLS.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to consolidate the Debt of the Town of Palmerston.

WHEREAS the corporation of the town of Palmerston by Preamble.

their petition have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways, manufacturers and others, to the extent of thirty-seven thousand dollars, and for other purposes to the extent of sixteen thousand dollars, making in all an indebtedness of fifty-three thousand dollars, of which sum forty-eight thousand dollars are secured by debentures of the said corporation; that the said debentures have, from time to time, been issued under the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized; that the requisite amount of each of the said rates was calculated upon the assessed value of the assessable property included within the said corporation at the respective times when the said several by-laws were passed; that the said several by-laws provided for the levying in future, at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been maintained, but the said assessed value thereof has been increased to a far greater extent than the actual value thereof, by reason whereof several rates directed to be levied by the said several by-laws have become oppressive, and that by reason of the irregular arrangement and the short dates of the respective times at which the said several debentures are made redeemable, the rates required for such redemption have at times become, and in future will be, oppressive; for which reasons and upon various other grounds they have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Palmerston are hereby consolidated at the sum of fifty-three thousand dollars, and it shall be lawful for the said corporation of the town of Palmerston to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act author-

Debt consolidated at the sum of \$53,000.

ized to be issued, from any person or persons, body or bodies corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding fifty-three thousand dollars of lawful money of Canada.

5

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said corporation of the town of Palmerston to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of fifty-three thousand dollars, and further authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly-mentioned debentures when the same shall fall due.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*"

Debentures may be issued to the amount of \$53,000.

4. It shall be lawful for the municipal council of the said corporation of the town of Palmerston, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation, from time to time as occasion may require, under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of fifty-three thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly.

Debentures, when and how payable.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the said council may by the said by-law or by-laws direct, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for thirty years from the time or times at which such by-law or by-laws authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of fifty-three thousand dollars and not otherwise, and shall, for that purpose, from time to time be deposited as

50

the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Palmerston, or elsewhere in the Province of Ontario, or invested in Government securities or stocks, either of the Dominion of Canada or the Province of Ontario, or deposited with or invested in the stock or shares of any incorporated loan company or building society doing business in the Province of Ontario; and all such deposits or investments shall be made in the name of the said corporation as trustees of the consolidated loan fund of the said town, and shall be made upon such terms as the said municipal council and such bank, government or company shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under the second section of this Act and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to, invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act as the said council shall direct, and upon such terms as the said council and bank, government, loan company, or building society shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly-mentioned debentures on the said outstanding debts and liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of money raised by special rate.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number

Treasurer to keep books shewing state of debenture account.



of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section six of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Inconsistent provisions in Municipal Act not to apply.

11. Any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by the Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

46 Vic. c. 18, ss. 411-413, incorporated in this Act.

12. Sections four hundred and eleven, four hundred and twelve, and four hundred and thirteen of "*The Consolidated Municipal Act, 1883*," shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Liability of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Palmerston from any indebtedness or liability which may not be included in the said debt of fifty-three thousand dollars.





No. 11.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to consolidate the Debt of the Town  
of Palmerston.

First Reading,	1884.
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

(PRIVATE BILL.)

Mr. McKim.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to consolidate the Debt of the Town of Palmerston.

WHEREAS the corporation of the town of Palmerston by Preamble.  
 their petition have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways, manufacturers and others, to the extent of thirty-seven  
 5 thousand dollars, and for other purposes to the extent of sixteen thousand dollars, making in all an indebtedness of fifty-three thousand dollars, of which sum forty-eight thousand dollars are secured by debentures of the said corporation; that the said debentures have, from time to time, been issued under  
 10 the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized *which rate has not been hitherto levied in any year*; that the amount of each of the said rates *so intended to be levied* was calculated upon the assessed value  
 15 of the assessable property included within the said corporation at the respective times when the said several by-laws were passed; that the said several by-laws provided for the levying in future, at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the  
 20 said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been  
 25 maintained, but the said assessed value thereof has been increased to a far greater extent than the actual value thereof, by reason whereof *the rates directed to be levied by the said several by-laws would now be* oppressive, and that by reason of the irregular arrangement and the short dates of the  
 30 respective times at which the said several debentures are made redeemable,  and the non levying of any rates hitherto as aforesaid, the rates now required for such redemption would in future be oppressive,  for which reasons and upon various other grounds they have prayed that the said debt may be con-  
 35 solidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 40 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Palmerston are hereby consolidated at the sum of fifty-three thousand dollars, and it shall be lawful for the said corporation of the Debt consolidated at the sum of \$53,000.

town of Palmerston to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding fifty-three thousand dollars of lawful money of Canada. 5

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said corporation of the town of Palmerston to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of fifty-three thousand dollars, and further authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly-mentioned debentures when the same shall fall due. 10 15 20

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*" 25

Debentures may be issued to the amount of \$53,000.

4. It shall be lawful for the municipal council of the said corporation of the town of Palmerston, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation, from time to time as occasion may require, under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of fifty-three thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly. 30 35

Debentures, when and how payable.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the said council may by the said by-law or by-laws direct, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for thirty years from the time or times at which such by-law or by-laws authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 40 45 50

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the



said debts of fifty-three thousand dollars and not otherwise, and shall, for that purpose, from time to time be deposited as the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Palmerston, or elsewhere in the Province of Ontario, or invested in Government securities or stocks, either of the Dominion of Canada or the Province of Ontario, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under the second section of this Act and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to, invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly-mentioned debentures or the said outstanding debts and liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of money raised by special rate.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under

Treasurer to keep books shewing state of debenture account.

the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, 5 and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section six of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such 10 deposits and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the 15 inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Inconsistent provisions in Municipal Act not to apply.

11. Any provisions in the Acts respecting municipal institu- 20 tions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be 25 issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part 30 thereof.

46 Vic. c. 18, ss. 411-413, incorporated in this Act.


12. Sections four hundred and eleven, four hundred and twelve, and four hundred and thirteen of "*The Consolidated Municipal Act, 1883*," shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, 35 and shall be deemed to be incorporated in this Act.

Liability of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Palmerston from any indebtedness or liability which may not be included in the said debt of fifty-three thousand dollars. 40

Agreement as to suit of W. Clarke, confirmed.

14. And, whereas, William Clarke, of the said town of Palmerston, Doctor of Medicine, heretofore instituted certain legal proceedings in the Chancery Division of the High Court of Justice against the said corporation for the purpose of enforcing the raising of the sinking fund properly liable by law 45 on the whole debenture debt of the said corporation, which said debenture debt is included in the said sum of fifty-three thousand dollars, wherein such proceedings have been had and taken that, on the fourth day of July, A.D. 1883, an order was made by the said court directing a writ of *mandamus* to issue 50 out of the said court commanding the said corporation to levy and collect in the year 1883 upon and from the taxable property liable therefor, the sinking fund properly liable for the said year on the whole debenture debt of the said corporation, obedience to which writ will now, with the 55

assent of all parties to the said proceedings, be rendered unnecessary by the provisions of this Act. It is, with the consent of all the said parties, hereby further enacted, that, in lieu and full satisfaction of all relief sought in the said legal proceedings, and of all relief which might or could hereafter be sought with respect to such sinking fund, all and singular the property and estate of the said Clarke, which is, by any existing by-law of the said corporation, exempted from taxation for a defined period, shall be further exempted from such taxation 10 for a further term of two years, to be reckoned from the expiration of such period, and that the said existing by-law be and the same is hereby confirmed and made valid for the purpose of granting the exemption from taxation which the said by-law purports to grant. 

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to consolidate the Debt of the Town  
of Palmerston.

*(Reprinted as amended).*

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First Reading, 11th February, 1884.

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*(PRIVATE BILL.)*

MR. MCKIM.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act respecting the Synod of the Diocese of Huron.

WHEREAS doubts exist whether the Incorporated Synod Preamble.  
of the Diocese of Huron have power to mortgage lands  
held by them under their Act of incorporation of the said  
Synod passed in the thirty-eighth year of Her Majesty's  
5 reign and chaptered seventy-four, and also whether the said  
Synod have power from time to time in their discretion to  
determine and declare how many of their members shall form  
a quorum for the transaction of business; and it is expedient  
that such doubts be removed;

10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The said the Incorporated Synod of the Diocese of Huron Power to mortgage lands.  
have always had under their said Act of incorporation, and  
15 shall hereafter have thereunder and hereunder, full power and  
authority to mortgage any lands vested in the said Synod by  
the said Act, or which have since the passage of the said Act  
or may at any time hereafter, under or by virtue of the said  
Act, or otherwise, become vested in the said Synod.

20 2. Under and by virtue of the said Act the said Synod has Power to declare number necessary to form a quorum.  
had in the past, and shall have hereafter, full power and  
authority to declare and determine, from time to time in their  
discretion, how many of their members, clergy and laity  
respectively, shall be sufficient to form a quorum of said Synod  
25 for the transaction of any particular business or of general  
business, and from time to time in their discretion to vary said  
quorum, any Act, matter or thing to the contrary notwithstanding.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the Synod of the Diocese  
of Huron.

First Reading,	1884.
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(*PRIVATE BILL.*)

Mr. MEREDITH.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.

An Act to Legalize and Confirm certain Municipal By-laws granting aid to the Canada Southern Railway Company.

WHEREAS by an Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-two, known as the Canada Southern Act, 1869, it was provided that the Corporation of any Municipality through any part of which the railway of the Company passes or is situate might, by By-law specially passed for the purpose, exempt the said Company and its property in the said Municipality either in whole or in part from Municipal assessment or taxation, and for such term of years as such Municipal Corporation might deem expedient; and whereas in pursuance of said Act the Corporation of the Township of Sandwich West passed a By-law exempting certain property of the Canada Southern Railway Company from taxation; and whereas the corporation of the Township of Stamford also passed a By-law for a similar purpose; and whereas the Canada Southern Railway was by an Act of the Dominion of Canada, passed in the thirty-seventh year of Her Majesty's reign, chaptered 68, declared to be a work for the general advantage of Canada; and whereas the time limited by the Acts of the Legislature of the Province of Ontario for the completion of the line of the said Company's railway had expired and was revived and confirmed by certain Acts of the Dominion of Canada; and whereas doubts have arisen as to whether the powers granted to the said corporations to exempt the said Company from taxation were at the passage of the said By-law in existence, and it is desirable that such doubts should be removed, and the said Canada Southern Railway Company has petitioned for an Act to confirm the same, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-Law of the corporation of the Township of Sandwich West, entitled "A By-law to exempt the Canada Southern Railway from taxation for a period of ten years from the First day of January, 1883," and passed the twenty-fourth day of August, A.D. 1882, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof. By-law of Sandwich West confirmed.
2. The By-law of the corporation of the Township of Stamford, entitled "A By-law to provide for exemption of taxation of certain property of the Canada Southern Railway Company," By-law of Stamford confirmed.

and passed the Fourth day of October, A. D. 1882, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof.

By-laws to have same force as if incorporated in Act.

3. The provisions of the said respective By-laws shall have the same force as if the same were incorporated in this Act, and shall be subject to this Act. 5

Power to exempt railway from taxation.

4. It shall be lawful for the corporation of any Municipality through any part of which the railway of the Canada Southern Railway Company passes or is situate, by any By-law specially passed for that purpose, to exempt the said Company and its property within such Municipality either in whole or in part from Municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of compensation or commutation from payment or in lieu of all or any Municipal rates or assessment to be imposed by such Municipal Corporation, and for such term of years as the said Municipal Corporation shall deem expedient. 10 15

(2) The Provisions of this Section shall extend to all the property already acquired or which may be hereafter acquired in pursuance of any powers conferred upon the said Canada Southern Railway Company. 20





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1st Session, 5th Legislature, 47 Vic, 1881.

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BILL.

An Act to legalize and confirm certain  
Municipal By-laws granting aid to the  
Canada Southern Railway Company.

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First Reading,  
1884.

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(*PRIVATE BILL.*)

Mr. HARCOURT.

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

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to Legalize and Confirm certain Municipal By-laws granting aid to the Canada Southern Railway Company.

**W**HEREAS by an Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-two, known as the Canada Southern Act, 1869, it was provided that the Corporation of any Municipality through any part of which the railway of the Company passes or is situate might, by By-law specially passed for the purpose, exempt the said Company and its property in the said Municipality either in whole or in part from Municipal assessment or taxation, and for such term of years as such Municipal Corporation might deem expedient; and whereas in pursuance of said Act the Corporation of the Township of Sandwich West passed a By-law exempting certain property of the Canada Southern Railway Company from taxation; and whereas the corporation of the Township of Stamford also passed a By-law for a similar purpose; and whereas the Canada Southern Railway was by an Act of the Dominion of Canada, passed in the thirty-seventh year of Her Majesty's reign, chaptered 68, declared to be a work for the general advantage of Canada; and whereas the time limited by the Acts of the Legislature of the Province of Ontario for the completion of the line of the said Company's railway had expired and was revived and confirmed by certain Acts of the Dominion of Canada; and whereas doubts have arisen as to the powers granted to the said corporations to exempt the said Company from taxation, and it is desirable that such doubts should be removed, and the said Canada Southern Railway Company has petitioned for an Act to confirm the same, and it is expedient to grant the prayer of the said petition;



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-Law of the corporation of the Township of Sandwich West, entitled "A By-law to exempt the Canada Southern Railway from taxation for a period of ten years from the First day of January, 1883," and passed the twenty-fourth day of August, A.D. 1882, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof:  Provided, however, that school and county rates shall be excluded from the operation of the said by-law. 

By-law of  
Sandwich  
West confirm-  
ed.

2. The By-law of the corporation of the Township of Stamford, entitled "A By-law to provide for exemption of taxation of certain property of the Canada Southern Railway Company,"

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Stamford  
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and passed the Fourth day of October, A. D. 1883, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof:  Provided, however, that school and county rates shall be excluded from the operation of the said by-law. 

5

By-laws to have same force as if incorporated in Act.

3. The provisions of the said respective By-laws shall have the same force as if the same were incorporated in this Act, and shall be subject to this Act.

1st Session, 5th Legislature, 47 Vic, 1884.

# BILL.

An Act to legalize and confirm certain Municipal By-laws granting aid to the Canada Southern Railway Company.

*(Reprinted as amended.)*

First Reading, 12th February, 1884.

*(PRIVATE BILL.)*

Mr. HARCOURT.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Midland Junction Railway Company.

**W**HEREAS the construction of a railway from some point Preamble.  
on the line of the Midland Railway, in the township of  
Orillia, to the village of Gravenhurst, with powers of extension  
to such points in the districts of Muskoka and Parry Sound as  
may be approved by the Lieutenant-Governor in Council, has  
become desirable for the public convenience; and whereas a  
petition has been presented for the incorporation of a company  
for that purpose, and it is expedient to grant the prayer of the  
said petition;

10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Patrick Larkin, James David Edg<sup>STC</sup>, John Carroll, Donald Incorporation.  
Campbell Ridout, Samuel Bridgeland, George W. Taylör,  
15 Thomas W. Paterson, together with all such persons and cor-  
porations as shall become shareholders in the company hereby  
incorporated, shall be and are hereby constituted a body cor-  
porate and politic, by and under the name of "The Midland  
Junction Railway Company."

20 2. The said company shall have full power and authority to Location of  
lay out and construct and complete a double or single iron or line.  
steel railway, of a gauge of four feet eight and one-half inches  
in width, from a point on the line of the Midland Railway in  
the township of Orillia, to the village of Gravenhurst, with  
25 power to extend the same to such points in the districts of  
Muskoka and Parry Sound as may be determined by the direc-  
tors, and approved by the Lieutenant Governor in Council,  
and with power to build the said railway, or the extensions,  
in sections, as the directors may determine.

30 3. The persons named in the first section of this Act, with Provisional  
power to add to their number, shall be and are hereby consti- directors and  
tuted provisional directors of the said company, of whom their powers.  
five shall be a quorum, and shall hold office as such until the  
first election of directors under this Act; and shall have  
35 power forthwith to open stock books and procure subscriptions  
of stock for the undertaking, and to allot the stock, and to re-  
ceive payments on account of stock subscribed, and to make  
calls upon subscribers in respect to their stock, and to sue for  
and recover the same, and to cause plans and surveys to be  
40 made, and to acquire any plans and surveys now existing, and  
to deposit in any chartered bank of Canada all moneys received  
by them on account of stock subscriptions, and to withdraw

the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift, made to it in aid of the undertaking, and to enter into any agreement respecting the conditions, or disposition, of any gift or bonus in aid of the railway, and with all such other powers as, under "The Railway Act of Ontario," are vested in ordinary directors. 5

**Capital stock.** 4. The capital stock of the company shall be one hundred thousand dollars (with power to increase the same, under "The Railway Act of Ontario"), to be divided into shares of one hundred dollars each; and the money so raised shall be 10 applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money 15 shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

**Subscriptions to be approved by directors and ten per cent. paid.** 5. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved 20 by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

**Aid to company.** 6. The said company may receive, either from any government, or from any persons or bodies corporate, municipal, or 25 politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway.

**First election of directors.** 7. When and so soon as shares to the amount of twenty- 30 five thousand dollars in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said company, giving 35 at least two weeks' notice, by advertisement in the *Ontario Gazette*, and in one of the daily papers published in the city of Toronto, of the time, place, and purpose of said meeting.

**Number of directors.** 8. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum there- 40 on, with such proxies as may be present, shall choose five persons to be directors of the said company (of whom three shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario." 45

**Qualification of directors.** 9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

**Annual meeting.** 10. Thereafter the general annual meeting of the share- 50 holders of the said company shall be held at such place in the city of Toronto, and on such days and at such hours, as may

be directed by the by-laws of the company, and public notice thereof shall be given, at least fourteen days previously, in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company.

11. The directors of the company are hereby authorized to  
 10 issue bonds, under the seal of the company, signed by its president, or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places, in Canada or elsewhere, and bearing such rate of  
 15 interest as the directors shall think proper; and the directors shall have power to issue, and sell, and pledge all or any of the said bonds, at such price, and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking, and the company may agree  
 20 with any other railway company for the loan of the credit of such other company, either by direct guarantee or traffic arrangements, or otherwise, to secure the payment of the interest on said bonds, or any part thereof: Provided that the amount of such bonds shall not exceed fifteen thousand dollars  
 25 per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Issue of bonds.

12. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments, now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer upon the undertaking and property of the company, as aforesaid, pro rata, with all  
 30 the other bondholders; and in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all the holders of bonds so being and remaining in default shall have and possess the same rights and privileges,  
 40 and qualifications for directors and for voting, as are attached to shareholders: Provided nevertheless that such rights shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided  
 45 by law for the registration of the shares of the said company, and nothing in this section contained shall in any way impair the other rights of bondholders.

Bonds a first charge on railway.

13. All the bonds hereby authorized, and the coupons and interest warrants thereon, may be made payable to bearer, and  
 50 shall, in that case, be transferable by delivery; and any holder of any such bonds or coupons so made payable to bearer, may sue at law thereon in his own name unless and until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by  
 55 written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by de-

Bonds may be made payable to bearer.



livery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Powers as  
to promissory  
notes.

14. The said company shall have power to become a party to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president, or vice-president, of the company, and countersigned by the secretary, and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been so made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such note or bill, nor shall the officers signing the same be individually responsible for the same, unless issued without the sanction and authority of the board as aforesaid: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of banks.

Calls.

15. The directors may at any time call upon the shareholders for such instalments upon each share, and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given as prescribed by the by-laws of the company; and it shall be competent for the directors of such company to issue, as paid-up stock, any ordinary stock of the company, and allot and pay the same for right of way, plant, rolling stock, or material of any kind, and also for the services of contractors, engineers, and other persons who may be engaged in and about the prosecution of the proposed undertaking.

Agreements  
with other  
companies.

16. The said company shall have power to make running arrangements with any railway lines situate on the line hereby authorized, or crossing or connecting with the same, which is or are lawfully empowered to enter into such an agreement, upon the terms to be allowed by two-thirds of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, and which is lawfully authorized to enter into such an agreement, for leasing the said Midland Junction Railway, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is



hereby empowered to exercise all the rights and privileges in this charter conferred; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

17. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transfer, and transportation to, from, or over the same, of the traffic of all other lines of railway in Canada, which may connect  
 10 with the railway of the said company, and the said company shall establish, levy and collect equal tolls, rates and charges, in respect of the traffic received from or to be delivered to all such other railways, and so that the same shall be received, transferred, transported and delivered, and the tolls and  
 15 charges in respect of the same shall be levied and collected on terms of absolute equality, and without discrimination of any sort in favour or against the traffic of any other such railway. The word "traffic" in this section shall mean, not only passengers and their baggage, goods, animals, and things conveyed  
 20 by railway, but also cars, trucks, and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada.

Company to afford equal facilities to all persons and companies.

18. Conveyances of land to the said company, for the purposes of this Act, may be made in the form in the schedule  
 25 hereto annexed, or to the like effect, and may be registered.

Form of conveyances.

19. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for  
 30 opening a street to any station from any existing highway, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient, and  
 35 may also make use of, for the purposes of the said railway, the water of any stream or water-course on or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners  
 40 for such lands or the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided in the sections of the Railway Act of Ontario respecting lands and their valuation.

Acquiring land for stations, gravel-pits, streets, etc.

45 20. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred  
 50 and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Telegraph lines.

21. The railway shall be commenced within four years, and completed within six years after the passing of this Act.

Time of commencement and completion.

## SCHEDULE A.

(Section 18.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*], in consideration of dollars paid to me (or us) by the Midland Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of the other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Midland Junction Railway Company, their successors and assigns [*here insert any other clauses, covenants, and conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A. D. 18

Signed, sealed and delivered in }  
the presence of }

[L.S.]

No. 14.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Midland Junction  
Railway Company.

First Reading,

1884.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:

PRINTED BY C. BLAGETT ROBINSON.

An Act to incorporate the Midland Junction Railway Company.

WHEREAS the construction of a railway from some point Preamble.  
on the line of the Midland Railway, in the township of Orillia, to the village of Gravenhurst, has become desirable for the public convenience; and whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10   1. Patrick Larkin, James David Edgar, John Carroll, Donald Incorporation  
Campbell Ridout, Samuel Bridgeland, George W. Taylor, and Thomas W. Paterson, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Midland Junction Railway Company."

2. The said company shall have full power and authority to Location of line.  
lay out and construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from a point on the line of the Midland Railway in the township of Orillia, to the village of Gravenhurst.

3. The persons named in the first section of this Act, with Provisional directors and their powers.  
power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada *having an office in the Province of Ontario*, all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift, made to it in aid of the undertaking, and to enter into any agreement respecting the conditions, or disposition, of any gift or bonus in aid of the railway, and with all such other powers as, under "The Railway Act of Ontario," are vested in ordinary directors.



Capital stock.

4. The capital stock of the company shall be one hundred thousand dollars (with power to increase the same, under "The Railway Act of Ontario"), to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 5 10

Subscriptions to be approved by directors and ten per cent. paid.

5. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 15

Aid to company.

6. The said company may receive, either from any government, or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway. 20

First election of directors.

7. When and so soon as shares to the amount of twenty-five thousand dollars in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said company, giving at least *four weeks'* notice, by advertisement in the *Ontario Gazette*, and in one of the daily papers published in the city of Toronto, of the time, place, and purpose of said meeting. 25 30

Number of directors.

8. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereon, with such proxies as may be present, shall choose five persons to be directors of the said company (of whom three shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario." 35



Qualification of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. 40



Annual meeting.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto and on such days and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given, at least *four weeks'* previously, in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company. 45 50





11.  For the purposes of the Company the directors may issue bonds and to secure the same and the interest thereon they may mortgage the undertaking or part thereof in the manner provided in the Railway Act of Ontario, and in this respect the provisions of the said Railway Act shall apply; and the said company may provide for the payment annually of a sum by way of sinking fund towards the payment of the principal of the said bonds, and such sinking fund may be invested in the re-purchase or redemption of the bonds of the said company, and it shall be lawful for any other railway company or companies to agree for the loan of its or their credit either by direct guarantee or traffic arrangements or otherwise to secure the payment of the interest on said bonds or any part thereof. 



Issue of  
bonds.

12.  There is hereby created, and the said company may issue preferential stock to the amount of two hundred thousand dollars to rank after the bonds of the company; and the holders of such preferential stock or of so much thereof as may from time be issued under the provisions hereinafter contained shall be entitled to rank for dividend out of the net profits of the said company to an amount not exceeding six per cent. per annum upon such preferential stock, before any dividends shall become payable out of the profits of the said company upon the ordinary share capital, and if at any time surplus revenue applicable to dividend shall remain after the said ordinary stock has received six per cent. dividend, then such surplus shall be divided ratably between the holders of such preferential and ordinary stock. 


Issue of  
preferential  
stock.

13.  It shall be lawful for the directors of the said company to issue for the benefit of the said company the preferential stock hereby created at such prices as shall be from time to time obtainable for the same, and in such amounts as the directors may think proper, and to apply the proceeds of such issue to the general purposes of the said company properly chargeable to capital account; provided that no preferential stock shall be issued without the previous sanction of a special general meeting of the shareholders of the said company. 


Mode of issue  
to be as de-  
termined by  
directors.

14.  The said preferential stock shall be and shall have all the incidents of personal estate, and shall be transmissible and transferable in any quantities, as nearly as may be in the same manner and subject to the same regulations as the share capital of the said company, and every hundred dollars thereof shall entitle the holder to one vote at general meetings, and two thousand dollars thereof shall qualify the holder thereof to be elected a director of the said company. 

Transfer of  
preferential  
stock.

15.  It shall be competent for the directors of the said company to issue as paid up stock any ordinary stock, and, after sanction by the shareholders, any preferential stock and mortgage bonds of the company, and allot and pay the same for right of way, plant, rolling-stock, or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking; provided that no such stock or bonds

Payment for  
right of way,  
etc., may be  
made in stock,  
etc.

shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the said company. 



Powers as  
to promissory  
notes.

16. The said company shall have power to become a party 5  
to promissory notes and bills of exchange, for sums not less  
than one hundred dollars, and any such note or bill made,  
accepted, or endorsed by the president, or vice-president, of  
the company, and countersigned by the secretary, and under  
the authority of a quorum of the directors shall be binding on 10  
the company; and any such promissory note or bill of ex-  
change so made shall be presumed to have been so made with  
proper authority until the contrary be shewn; and in no case  
shall it be necessary to have the seal of the company affixed to  
such note or bill, nor shall the officers signing the same be in- 15  
dividually responsible for the same, unless issued without the  
sanction and authority of the board as aforesaid: Provided,  
however, that nothing in this section shall be construed to  
authorize the said company to issue any note or bill of ex-  
change payable to bearer, or intended to be circulated as 20  
money, or as the notes or bills of banks.

Calls.

17. The directors may at any time call upon the share-  
holders for such instalments upon each share, and in such pro-  
portions as they may see fit, but no such instalment shall ex-  
ceed ten per centum on the subscribed stock, and thirty days' 25  
notice of each call shall be given as prescribed by the by-laws  
of the company.

Agreements  
with other  
companies.

18. The said company shall have power to make running  
arrangements  with the Midland Railway Company of  
Canada, or with the Grand Trunk Railway Company of Canada, 30  
or with both so far as they  are lawfully empowered  
to enter into such an agreement, upon the terms to be allowed  
by two-thirds of the shareholders of the said company at  
a special general meeting to be held for that purpose; and  
it shall also be lawful for the said company to enter into 35  
any agreement with either of the said other railway companies  
which is lawfully authorized to enter into such an agreement,  
for leasing the said Midland Junction Railway, or any part  
thereof, or the use thereof, at any time or times, or for leasing  
or hiring from such other company any railway, or part 40  
thereof, or the use thereof, or for leasing or hiring any loco-  
motives, tenders, plant, rolling stock, or other property, of  
either or of both, or any part thereof, or touching any service  
to be rendered by the one company to the other, and the com- 45  
pensation therefor, if the arrangements and agreements shall be  
approved of by two-thirds of the shareholders of the said com-  
pany, voting in person or by proxy, at a special general meeting  
to be called for that purpose, and every such agreement shall be  
valid and binding, and shall be enforced by courts of law, ac-  
cording to the terms and tenor thereof; and any company 50  
accepting and executing such lease shall be and is hereby  
empowered to exercise all the rights and privileges in this  
charter conferred; but this section shall not be construed  
as purporting or intending to confer rights or powers upon  
any company which is not within the legislative authority of 55  
this Province.

19. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transfer, and transportation to, from, or over the same, of the traffic of all other lines of railway in Canada, which may connect with the railway of the said company, and the said company shall establish, levy and collect equal tolls, rates and charges, in respect of the traffic received from or to be delivered to all such other railways, and so that the same shall be received, transferred, transported and delivered, and the tolls and charges in respect of the same shall be levied and collected on terms of absolute equality, and without discrimination of any sort in favour or against the traffic of any other such railway. The word "traffic" in this section shall mean, not only passengers and their baggage, goods, animals, and things conveyed by railway, but also cars, trucks, and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada.

Company to afford equal facilities to all persons and companies.

20. Conveyances of land to the said company for the purpose of and under the powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of conveyances.

21. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to acquire more land than is required for use of railway.

22. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, storehouses, warehouses, enginehouses, docks and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purposes of the said railway, of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to take lands for elevators, etc.

23. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part

Power to take gravel, etc., for



construction  
or mainten-  
ance.

thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of 5 acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the com- 10 pany, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and 15 such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 20

Sidings to  
quarries and  
gravel pits.

24. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may inter- 25 vene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to 30 the land on which materials are situated, and such right may be so acquired for a term, of years or permanently, as the company may think proper and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of re- 35 pairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Telegraph  
lines.

25. The said company may also construct an electric tele- 40 graph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby 45 conferred upon the said company.

Time of com-  
mencement  
and comple-  
tion.

26. The railway shall be commenced within *two* years, and completed within *four* years after the passing of this Act.

## SCHEDULE A.

(Section 20.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*], in consideration of



dollars paid to me (or us) by the Midland Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of the other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Midland Junction Railway Company, their successors and assigns [*here insert any other clauses, covenants, and conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A. D. 18

Signed, sealed and delivered in }  
the presence of }

[L.S.]

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1st Session, 5th Legislature, 47 Vic., 1884.

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An Act to incorporate the Midland Junction  
Railway Company.

*(Reprinted as amended.)*

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First Reading, February 12, 1884.

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*(PRIVATE BILL.)*

Mr. LYON.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to legalize a certain Agreement entered into between the Village of Parkdale and the Grand Trunk Railway Company of Canada, and other railways, and for other purposes.

**W**HEREAS the Municipality of Parkdale and the Grand Trunk Railway Company of Canada, the Northern Railway Company of Canada, the Toronto, Grey and Bruce Railway Company, and the Credit Valley Railway Company have, by their petition, represented that they have entered into an agreement providing for the building of subways on Queen Street and Dufferin Street at their intersection, said agreement having been entered into by said municipality pursuant to By-law No. 161 of said municipality, which said By-law, amongst other things, provides for the raising of ten thousand dollars on the security of debentures to provide funds for the carrying out of said agreement, and that said By-law has been duly approved by the ratepayers of the said municipality and that the corporation of the city of Toronto will be greatly benefited by the building of the said subway and that it is just and proper that the said corporation of the city of Toronto should bear an equal share with the said Railways and said village of Parkdale of the expenses connected with the building thereof and have prayed for an Act to validate and confirm said agreement, said By-law and debentures issued thereunder, and to provide for said city of Toronto bearing said equal share of said expenditure, and it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said agreement between the municipality of the village of Parkdale and the said Railway Companies, the said By-law No. 161 of the municipality of the village of Parkdale and the debentures issued or to be issued under said By-law are hereby confirmed and declared to be legal and valid to all intents and purposes.

2. The one-sixth part of the total amount of the moneys payable under the said agreement is to be paid by the corporation of the city of Toronto in the manner and at the time, and into the Bank of Montreal, as provided in said agreement with reference to the parties thereto, and said moneys are to be paid out under the terms of said agreement.

3. The said moneys to be paid by said corporation of the city of Toronto are hereby declared to be a debt of such corporation, and payment thereof may be enforced by any of the parties to said agreement by summary application to the High Court of Justice for the Province of Ontario, or to any Judge thereof.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to legalize a certain Agreement entered into between the Village of Parkdale and the Grand Trunk Railway Company of Canada, and other railways, and for other purposes.

First Reading,	1884.
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*PRIVATE BILL.*

Mr. GRAY.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND



An Act to authorize the Supreme Court of Judicature for Ontario to admit John Robertson Miller to practise as a Solicitor.

WHEREAS John Robertson Miller, of the town of Goderich, in the county of Huron, hath, by his petition, set forth that on the fifth day of November, one thousand eight hundred and seventy-nine, he was duly articled to a practising attorney and solicitor for a period of five years, which articles were filed with the proper officer on the fifteenth day of November, one thousand eight hundred and seventy-nine, and was, previous to the date above referred to, namely, in February of the same year, admitted into the Law Society as a student-at-law; and that he was prior to July, one thousand eight hundred and seventy-one, teacher of public schools for a period of nine and one-half years, and subsequently an inspector of public schools for a period of twelve and one-half years, and holds a First Class A Provincial certificate, and is an undergraduate of McGill University; and has actually served under said articles continuously from the aforesaid date thereof, except for the periods he was required to fulfil the duties of school inspector; and whereas, by section five of chapter one hundred and forty of the Revised Statutes of Ontario, the said John Robertson Miller is required, during the whole of the said term of five years, to be actually employed in the proper practice and business of a solicitor; and whereas the said John Robertson Miller has passed all the intermediate examinations prescribed by the said Law Society, and is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said Court to admit him to practise as a solicitor therein, upon his passing such final examination as may be prescribed by the said Society; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Supreme Court of Judicature for Ontario, at any time, to admit the said John Robertson Miller to practise as a solicitor therein, upon payment of the usual fees, and passing the usual final examinations for admission, as prescribed by the rules of the Law Society, without his compliance with any other requirements or provision of law, or other rules or regulations of the said Law Society in that behalf, any law, custom, or usage, to the contrary notwithstanding.

J. R. Miller  
may be admitted as a  
solicitor on  
certain conditions.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to admit John  
Robertson Miller to practise as a Solici-  
tor.

First Reading,	1884.
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(*PRIVATE BILL.*)

Mr. ROSS (*Huron*).



TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the Supreme Court of Judicature for Ontario to admit John Robertson Miller to practise as a Solicitor.

WHEREAS John Robertson Miller, of the town of Goderich, in the county of Huron, hath, by his petition, set forth that on the fifth day of November, one thousand eight hundred and seventy-nine, he was duly articulated to a practising attorney and solicitor for a period of five years, which articles were filed with the proper officer on the fifteenth day of November, one thousand eight hundred and seventy-nine, and was, previous to the date above referred to, namely, in February of the same year, admitted into the Law Society as a student-at-law; and that he was prior to July, one thousand eight hundred and seventy-one, teacher of public schools for a period of nine and one-half years, and subsequently an inspector of public schools for a period of twelve and one-half years, and holds a First Class A Provincial certificate, and is an undergraduate of McGill University; and has actually served under said articles continuously from the aforesaid date thereof, except for the periods he was required to fulfil the duties of school inspector; and whereas, by section five of chapter one hundred and forty of the Revised Statutes of Ontario, the said John Robertson Miller *would be* required, during the whole of the said term of five years, to be actually employed in the proper practice and business of a solicitor; and whereas the said John Robertson Miller has passed all the intermediate examinations prescribed by the said Law Society, and is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said Court to admit him to practise as a solicitor therein, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Supreme Court of Judicature for Ontario, at any time,  after the expiration of five years from the fifth day of November, one thousand eight hundred and seventy-nine  to admit the said John Robertson Miller to practise as a solicitor *in the said Supreme Court of Judicature* upon payment of the usual fees, and passing the usual final examinations for admission, as prescribed by the rules of the Law Society, without his compliance with any other requirements or provision of law, or other rules or regulations of the said Law Society in that behalf, any law, custom, or usage, to the contrary notwithstanding.

J. R. Miller  
may be admitted as a solicitor on certain conditions.

No. 16.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to admit John  
Robertson Miller to practise as a Solici-  
tor.

*(Reprinted as amended).*

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First Reading, 13th February, 1884.

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*(PRIVATE BILL.)*

Mr. Ross (*Huron*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Synod and Rectory Sales Act  
affecting the Diocese of Toronto.

WHEREAS the Incorporated Synod of the Diocese of Preamble.  
Toronto have, by their petition, represented that in  
order to enable them effectually to execute the rights, powers,  
duties and trusts conferred upon and reposed in them by the  
5 Act passed in the forty-first year of the reign of Her Majesty,  
chaptered sixty-nine, and intituled "An Act to amend the  
Synod and Rectory Sales Acts affecting the Diocese of To-  
ronto," and the several Acts and parts of Acts dealt with or  
referred to in the said last mentioned Act, being the Act of  
10 the Legislature of this Province, passed in the thirty-ninth  
year of the reign of Her Majesty, chaptered one hundred and  
nine, and the Act of the Province of Canada, passed in the  
twenty-ninth and thirtieth years of the reign of Her Majesty,  
chaptered sixteen, it is desirable and necessary that the lands  
15 dealt with in the said Acts should be vested in the said incor-  
porated synod, and that further provisions should be made in  
regard thereto; and whereas it is expedient to grant the prayer  
of the said petition;

Therefore Her Majesty, by and with the advice and consent  
20 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. All lands over or in respect of which the said incor-  
porated synod of the diocese of Toronto have by law power of Lands over  
which Synod  
has power of  
sale vested in  
Synod.  
25 sale, or other disposition shall be and the same are hereby  
vested in the said incorporated synod of the diocese of  
Toronto and their successors, for all the estates and title  
respectively of the persons and corporations by whom the  
same have heretofore been or are now held subject, never-  
theless to the same trusts concerning such lands to which the  
30 same are now subject.

2. Whenever it has happened or shall hereafter happen  
that upon the death, retirement, or removal of any incumbent  
of any rectory in the diocese of Toronto, who was on the  
seventh of March, one thousand eight hundred and seventy-  
35 eight, holding any such incumbency, or who has since the said  
date been, or who may hereafter be inducted into any such  
incumbency any lands of such rectory remain unsold, the rents,  
issues and profits of such unsold lands shall belong to and  
be paid over to and received by the said incorporated synod of  
40 the diocese of Toronto, and shall be subject to the same trusts,  
and be dealt with by them in the same manner as the produce  
of investments of the proceeds of sale of the lands when sold  
are now subject. Rents of un-  
sold lands of  
rectories  
vacant since  
March 7, 1878,  
to be paid to  
Synod.

No. 17.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend the Synod and Rectory  
Sales Act affecting the Diocese of  
Toronto.

1st Reading,	1884.
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(*PRIVATE BILL*).

Mr.

TORONTO :

PRINTED BY C. B. ROBINSON, JORDAN STREET.

An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto.

WHEREAS the Incorporated Synod of the Diocese of Toronto have, by their petition, represented that in order to enable them effectually to execute the rights, powers, duties and trusts conferred upon and reposed in them by the Act passed in the forty-first year of the reign of Her Majesty, chaptered sixty-nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto," and the several Acts and parts of Acts dealt with or referred to in the said last mentioned Act, being the Act of the Legislature of this Province, passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and the Act of the Province of Canada, passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered sixteen, it is desirable and necessary that the lands dealt with in the said Acts should be vested in the said incorporated synod, and that further provisions should be made in regard thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All lands over or in respect of which the said incorporated synod of the diocese of Toronto have by law power of sale, or other disposition, shall be and the same are hereby vested in the said incorporated synod of the diocese of Toronto and their successors, for all the estates and title respectively of the persons and corporations by whom the same have heretofore been or are now held, subject nevertheless to the same trusts concerning such lands to which the same are now subject.

Lands over which Synod has power of sale vested in Synod.

2. Whenever it has happened or shall hereafter happen that upon the death, retirement, or removal of any incumbent of any rectory in the diocese of Toronto, who was on the seventh of March, one thousand eight hundred and seventy-eight, holding any such incumbency, or who has since the said date been, or who may hereafter be inducted into any such incumbency any lands of such rectory remain unsold, the rents, issues and profits of such unsold lands shall belong to and be paid over to and received by the said incorporated synod of the diocese of Toronto, and shall be subject to the same trusts, and be dealt with by them in the same manner, as the produce of investments of the proceeds of sale of the lands when sold are now subject.

Rents of unsold lands of rectories vacant since March 7, 1878, to be paid to Synod.

Rights of certain parties not affected.

§ 3. Nothing in this Act shall affect the litigation now pending in an action of *Langtry v. Doumoulin* in the High Court of Justice, or the rights of the parties in question therein.

Rights of present and future Rectors of Peterborough not affected.

§ 4. This Act shall not in any manner affect whatever rights the present or any future Rector of Peterborough has, or may have, under and by virtue of the Act of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, or of the Act of this Province amending the same, passed in the thirty-fourth year of the same reign, and chaptered eighty.

Short title.

§ 5. This Act shall be known and may be cited as "*The Toronto Synod and Rectory Sales Act, 1884*."

## BILL.

An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto.

(Reprinted as amended.)

First Reading, 11th February, 1884.

(PRIVATE BILL.)

MR. MORRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Toronto Tenement Building Association.

- W**HEREAS the persons hereinafter named by their petition Preamble.  
 represent that with the view of purchasing lands in  
 localities thickly populated for the purpose of building houses  
 and tenements thereon, with modern conveniences and sanitary  
 5 appliances, for the occupation specially of the mechanical and  
 other industrial classes, they propose to form an association  
 for such purposes, with power to deal in lands, houses, and  
 tenements as private individuals, and with power to appropri-  
 ate lands of corporations or persons, as herein defined, for the  
 promotion of public cleanliness, health, and morals; and  
 10 whereas the said petitioners have prayed that they and all  
 others subscribers to stock or shares therein may be incorpo-  
 rated; and in consideration of the objects aforesaid and the great  
 public benefit to arise therefrom it is expedient to grant their  
 prayer;  
 15 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

- 1.** William F. McMaster, John Leys, James Jolliffe, Henry Incorporation.  
 Hutchinson, David Millar, John Edgar, William H. Doel,  
 20 John S. King, M.D., Slade Robinson, M.R.C.S., F. G. Holmes,  
 M.D., E. J. Barwick, M.D., H. H. Wright, M.D., Charles  
 Archibald, M.D., R. B. Nevitt, M.D., D. G. Oliphant, M.D., J.  
 Baxter, M.D., James Beaty, M.P., Robert Hay, M.P., John  
 Small, M.P., A. R. Boswell, John B. Hall, M.D., John Hallam,  
 25 George D. Morton, M.D., John Turner, Sidney S. Hamilton,  
 Hugh Miller, Samuel Platt, Robert Swan, J. P. Russell, M.D.,  
 Allen Baines, M.D., L.R.C.P., A. A. Macdonald, M.B., L.R.C.P.&S.,  
 S. B. Pollard, M.D., J. W. Lesslie, M.D., Frederick W. Strange, M.D.,  
 Frederick L. M. Grasett, M.B., J. Algernon Temple, M.D., M.R.  
 30 C.S., J. T. Knott, M.D., M.R.C.S., John Hall, M.D., A. H. Wright,  
 M.B., F. Krauss, M.D., T. W. Machell, M.B., W. B. Geikie, M.D.,  
 J. B. Gullen, M.B., W. T. Stuart, M.D., T. Hamilton Evans,  
 M.D., John E. Kennedy, M.D., B.A., John Ferguson, B.A., M.D.,  
 L.R.C.P.&S., Wm. Nattress, M.B., M.R.C.S., J. H. Burns, M.B.,  
 35 W. T. Wagner, M.B., P. A. Constantinides, M.D., M.R.C.S.,  
 J. E. Graham, M.D., Alex. Wheeler, A. McPhedran, M.B.,  
 G. B. Smith, M.B., J. Fulton, M.D., M.R.C.S., L.R.C.P., W. S.  
 Oliver, M.D., F.K., C.S.I., A. J. Geikie, M.D., C.M., Samuel E.  
 McCully, M.D., Prof. S. Vernoy, W. H. Morehouse, M.D., Bruce  
 40 S. Riordan, M.D., Alex. Davidson, M.D., James C. Hamilton,  
 James McCullough, M.D., Joseph Rogers, J. C. Clapp, M.D.,  
 Thomas Woodhouse, James H. Rogers, Charles Pilly, Kenneth  
 A. Miller, W. S. Broughton, Chas. E. Blachford, John Harvie,  
 William Ashall, Thomas R. Bains, J. R. Foster, J. M. Hamilton,

Thos. Kennedy, jr., and Charles Page, together with all such other persons as shall become shareholders in the association hereby constituted shall be and they are hereby made a body corporate and politic, by the name of "The Toronto Tenement Building Association."

5

Power to acquire lands to erect buildings and to lease same, etc.

2. The association shall have power to acquire and hold by purchase, gift, lease, exchange, or otherwise by any legal or equitable title, lands, houses, buildings, tenements, erections, and premises, and power to construct, erect, build, and maintain houses, buildings, tenements, or other erections, and to heat the same with fire, steam, water, or other reasonably safe and usual means, and to light the same with gas, electricity or other reasonably safe and usual means, and power to sell, convey, exchange, and dispose of the same or any part thereof, and to mortgage or charge with a lien the same or any part thereof, and to lease or let the same or any part thereof, or any rooms or apartments thereof, for a term of years or by the month or week, and with all the powers, rights, and incidents of landlords as between landlord and tenant, and with power to contract or agree for the sale or purchase of lands, or houses, or other erections, as aforesaid, and to contract or agree with corporations or persons for any of the purposes aforesaid and as may be deemed advantageous for the said association.

Borrowing powers.

3. The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may for the purpose of borrowing money execute any mortgages on their property or any part thereof, or issue bonds or debentures under the seal of the association for sums of not less than one hundred dollars each; provided that the aggregate of such bonds or debentures do not exceed the paid up capital of the association.

Lending powers.

4. The said association shall have power to lend its money on security of mortgages on real estate or in the purchase of mortgages on real estate, or Dominion or Provincial Government bonds, debentures or stocks, or on municipal bonds or debentures, or in the purchase thereof on such terms and conditions and at such rates of interest or discount as may be deemed advantageous to such association; and power to sell or dispose of the same, or to mortgage or charge with lien the same or any part thereof to any corporation or person, and to convey, assign, or deliver the same for such purposes, and as may be deemed advantageous to such association.

In certain localities lands may be taken without consent of owner.

5. In described blocks of land in cities, towns, or other municipalities where the land is vacant or unbuilt upon, or in localities wholly or for the most part built upon by houses for residence or occupation by tenants and not by the owners thereof, and especially in localities where the houses or buildings wholly or for the most part for the residence of tenants are crowded together and are not constructed with the conveniences of civilized life, and have not the sanitary appliances which tend to promote and maintain the health of the occupants and the inhabitants of the neighbourhood, or where owners, tenants or occupants are crowded together in houses, buildings, tenements, or apartments in such numbers as to result in or exhibit uncleanness, unhealthiness, indecency, dissipation, drunkenness, 55

or other immorality, the association shall have power to take possession of, acquire, and use the said lands and houses so that the houses, buildings, and erections thereon may be sold or otherwise disposed of and removed from the said lands, and that the said lands be cleaned and made ready for houses, buildings, and erections of a first-class character as to foundations, strength of walls and floors, drainage, privies, water-closets, wash-houses, baths, heating, lighting, egress and ingress, escapes in case of fire, or other emergencies as herein provided.

- 10 6. In other localities, in case the owners or occupants of a described block of land representing one half at least in number of the owners or occupants assessed on the last revised assessment roll, agree or consent to sell their lands to the said association at such price or prices and terms as may be agreed upon, or as may be determined by arbitration as herein provided, then in such case or cases from time to time the said association shall have power to take and appropriate the lands, houses, and erections of the remainder of the owners or occupants of the described block, and acquire the same and the title thereto of the persons owning or occupying the same, and may use the same for the purpose of erecting houses, buildings and erections of the character in the next preceding section of this Act mentioned.

In certain other localities lands may be taken if one half of the owners or occupants consent.

- 25 7. Lands shall not in any case be appropriated as aforesaid by the said association until the Council of the corporation of the city, town or municipality shall have approved of the locality and the extent of land to be appropriated; such approval to be manifested by a by-law, passed in the usual way, consenting to the appropriation, and until the expiration of three month from notice in writing of the intention to appropriate the lands given to each owner or to his agent or to the tenant or occupant of the premises, as found on the last revised assessment roll, or the actual occupant of the premises, in case the owner is out of the city, town or other municipality, and after publication for at least one calendar month in the *Ontario Gazette*, and in two principal newspapers published in the city, town, or municipality in which the lands lie, of a general description of the area of land intended to be appropriated as set forth in the by-law, and of the date after which action may be taken under this Act, with a warning to all persons interested to look after their interests, and that a plan has been deposited in the office of the clerk of the city, town, or other municipality, which shall be deemed notice to each and all parties of the land which shall be required by the said association.

Approval of council of municipality to be given by for land before lands are appropriated.

8. The said association shall have power, with the consent of the council of the city, town or municipality, by by-law as aforesaid, to change or alter the location of streets connected with or adjacent to or part of the described block in any case, and with said consent to open streets through lands of other owners or occupants, upon payment of compensation therefor by agreement or arbitration as herein provided.

Power to alter location of streets.

9. Before such by-law is petitioned for, surveys and plans shall be made by the said association of each such block, on which shall be set forth in different colours, with intelligible

Plan of land to be deposited before by-law petitioned for.



references and explanations distinguishing the different lots, houses or premises agreed or consented to be sold to the association, and the lands, houses, and premises not agreed or consented to be sold, so far as practicable, with a list of the lots or divisions or subdivisions into which the same may have been divided and assessed, and the names of owners or occupants assessed, and the amounts for which each lot or parcel is assessed; and the said plan and list shall be deposited in the office of the clerk of the city, town or other municipality to which all persons may refer within office hours, and make extracts or copies thereof at their own cost, and in case the clerk shall answer by letter he shall receive for the municipality twenty-five cents for every lot or parcel of land to which his letter refers.

Acceptance  
of land by  
association  
and payment  
of assessed  
value.

10. The publication of the notice shall be purchase and acceptance on the part of the association of the lands so described, and for which no agreement or consent of the owner has been made or given, and the association shall be liable to pay, and shall pay within three months from the date of the first publication of such notice, the assessed value on the last revised assessment roll of each lot or parcel as assessed therein, if not already paid to the owners or incumbrancers into one of the Divisions of the High Court of Justice; which shall be held in one sum to the credit of the owners of the lands in the said block so appropriated, to be paid out to the several owners or incumbrancers with the consent of the association as soon as a good and valid deed or conveyance of the land and assignments or discharges of the incumbrances thereon shall be tendered by the association to the owners or incumbrancers resident in the city, town or municipality for execution, and the same shall be prepared and made ready for execution at the expense of the association, and as soon as the same shall be executed and delivered to the association ready for registration, together with all deeds and documents of title relating thereto in the possession or control of the owner or incumbrancer, and as set forth in an affidavit to be made by such owner or incumbrancer or his agent in the form of an affidavit on production, to be delivered with the deed or conveyance and as a condition precedent to the receipt of the purchase money or value.

Acceptance  
by owner of  
assessed value.

11. In case any owner alone, or jointly with any incumbrancer, shall within two months from the date of such first publication notify in writing the said association that he will accept such assessed value in full value for the lot or parcel owned by him or on account of the value, then such association shall, on production of the deed or conveyance of the said lot or parcel to the said association, as set forth in the tenth section, together with the title deeds and affidavits therein required, pay over to such owner or owners or to such owner and incumbrancer or incumbrancers, as the case may be, the amounts respectively due to them according to their priorities, and the residue, if any, to the owner or owners, or the whole to such owner or owners in case there are no incumbrances.

In case of  
difference,  
value to be  
determined by  
arbitration.

12. In the event of any owner or owners (and several owners shall be dealt with according to their several interests as in the case of one owner) not accepting the assessed value as the full value of the lot or parcel of land in which he



may be interested, such value may be determined, in case of failure to agree thereon, by arbitrators, as herein provided, and either before or after the payment of the assessed value as the case may require.

5   **13.** In the event of the payment of the assessed value of such lands, either to the owners or incumbrancers or into court, the said association may, after the expiration of the said three months from the date of the first publication as aforesaid, enter upon and eject all persons therefrom, and  
 10 possess themselves of all the said lands and houses, and proceed to occupy and use the same for the purpose of erecting houses, buildings, and erections of the character set forth in the fifth section of this Act.

When association may enter on lands.

15   **14.** For the value of lands taken and for all damages to lands injuriously affected by the appropriation thereof by the said association by the exercise of the powers under this Act vested in the association, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected.

Compensation to be made for lands injuriously affected.

20   **15.** Unless otherwise determined and agreed to, the amount of such compensation shall be ascertained and determined in the manner provided by this Act, but in no instance shall the value be less than the assessed value as it appears on the last revised assessment roll of the city, town, or other municipality  
 25 in which the lands lie.

Value not to be less than assessed value.

30   **16.** All corporations and persons whatever, tenants in tail or for life, guardians, curators, executors, administrators and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons seised, possessed of, or interested in any lands may contract for, sell and convey unto the association all or any part thereof.

Corporations, etc., may convey lands.

35   **17.** The powers by the preceding section conferred upon rector in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, or executors appointed by wills, in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their  
 40 death seised of real estate shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the said association.

Limitation of powers in certain cases.

45   **18.** Any contract, agreement, sale, conveyance and assurance made under the two preceding sections shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the said association the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying is hereby indemnified for what he or  
 50 it respectively does by virtue of or in pursuance of this Act.

Effect of sale under two preceding sections.

Disposition  
of purchase  
money.

19. The association shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes if paid to the owner of the land or into court for his benefit.

Effect of con-  
tract made  
before deposit  
of plan.

20. Any contract or agreement made in pursuance of this 5  
Act to convey lands and made before the deposit of the map or  
plan and list of owners, and before the setting out and ascer-  
taining of the lands required for the association, shall be bind-  
ing at the price agreed upon for the same lands, if they are  
afterwards so set out and ascertained within one year from the 10  
date of the contract or agreement, and although such land may  
in the meantime have become the property of a third party,  
and possession of the land may be taken and the agreement  
and price may be dealt with as if such price had been fixed by  
an award of arbitrators as hereinafter provided, and the agree- 15  
ment shall be in the place of an award.

Corporations  
unable to sell  
may agree  
upon a fixed  
rent.

21. All corporations or persons who cannot in common  
course of law sell or alienate any lands so set out and ascer-  
tained, shall agree upon a fixed annual rent as an equivalent, and  
not upon a principal sum to be paid for the lands, and if the 20  
amount of the rent is not fixed by voluntary agreement or  
compromise, it shall be fixed and all proceedings shall be regu-  
lated in the manner herein prescribed; and for the payment of  
the said annual rent and every other annual rent agreed upon  
or ascertained, and to be paid for the purchase of any lands, or 25  
for any part of the purchase money of any lands which the ven-  
dor agrees to leave unpaid, the association shall be liable and  
chargeable in preference to all other claims and demands there-  
on whatsoever; the deed creating such charge and liability  
being duly registered in the registry office of the proper county 30  
or other registration division.

In case of  
difference,  
arbitrators to  
be appointed.

22. In case any owner or person interested in lands and  
houses or erections shall claim greater value therefor than the  
assessed value in the last revised assessment roll, and such  
person and the association fail to agree upon arbitrators or a 35  
sole arbitrator, such person shall give notice thereof to the  
association and shall also in such notice name an arbitrator,  
and thereupon and not later than ten days from the receipt of  
such notice, the association shall notify such person in writing,  
or his agents or solicitor, of the name of one arbitrator for such 40  
association, and they shall name a third; and in case such as-  
sociation shall fail to name an arbitrator within the time  
aforesaid, or in case having named an arbitrator, the two arbi-  
trators shall fail within ten days to name another arbitrator,  
then the judge of the County Court, upon application of any 45  
party interested, shall name the arbitrators for the association,  
or the third arbitrator as the case may be; and such arbitra-  
tors shall thereupon take a solemn declaration, under the  
statute in that behalf, before a commissioner for taking affi-  
davits or justice of the peace, that they will faithfully and im- 50  
partially perform the duties of their office; and shall as speedily  
as possible proceed to ascertain the value greater than such  
assessed value (if any), or the compensation due to the owner  
or person or persons interested in the lands, houses and erec-  
tions, in such way as they or he or a majority of them deem 55  
best; but no award shall be made or any official act be done

by such sole arbitrator or by any of them, if more than one, or by a majority of them except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the arbitrator  
 5 was present had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required; unless in the case of a sole arbitrator, when the parties interested shall be notified.

10 **23.** The association shall be at liberty before such arbitration to offer any sum for such greater value or for compensation they may deem proper, and in any case where the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party and be deducted  
 15 from the compensation, but if otherwise they shall be borne by the association, and in other cases they shall be in the discretion of the arbitrators or a majority of them or the sole arbitrator, as the case may be, and in any case if they may not be agreed upon be taxed by the clerk of the County Court  
 20 wherein the lands lie, for which he shall receive the fees usual upon a taxation of a bill of costs between party and party in an action where judgment is entered.

**24.** The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath, solemn affirmation or solemn  
 25 declaration, the parties or such witnesses as appear before them or him, and may administer such oath, solemn affirmation or solemn declaration.

**25.** Any party to an arbitration under this Act may, without leave or order, obtain and issue out of any one of the  
 30 Divisions of the High Court of Justice upon præcipe setting forth the names of witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before  
 35 the arbitrator or arbitrators, and at the time and place mentioned in such subpoena, and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such court in a civil case.

40 **26.** The same fees shall be payable for such subpoenas as in the case of subpoenas issued out of such court in civil cases, and the witnesses shall be entitled to the like conduct money.

**27.** The depositions of witnesses examined before such arbitrators shall be taken down in writing, and shall forthwith,  
 45 after the making of their award together with the exhibits referred to therein, and all papers connected with the reference except the award, be delivered or by registered letter transmitted by the arbitrators to the Registrar of one of the Divisions of the High Court of Justice, with appropriate stamps,  
 50 and shall be filed by such Registrar with the records of the court.

**28.** If the arbitrator appointed by a judge as a third arbitrator, or sole arbitrator, or if any arbitrator appointed by the parties dies before the award has been made, or is dis-



qualified, or refuses, or fails to act within a reasonable time, then in the case of the arbitrator appointed by the judge upon the application of either party, such judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the association and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Awards not avoided for want of form.

**29.** No award made as aforesaid shall be invalidated from any want of form or other technical objection if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation, nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Parties to arbitration may appeal to a judge of the High Court.

**30.** Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of any one of the said Divisional Courts, and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

**31.** Upon any such appeal, the practice and proceedings shall be as nearly as may be the same as upon an appeal from a decision of the judge of the County Court under the "County Courts Act," subject to any general rules or orders (to be from time to time made by the judges of the Supreme Court of Ontario, in the same manner as they are authorized to make other general rules and orders respecting practice and procedure), altering and regulating such practice and proceedings.

As to incumbrances, etc., upon lands purchased or taken.

**32.** If the association has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the association, or if for any other reason the association deems it advisable, the association may pay such compensation into the office of any of the said Divisions of the High Court, with the interest thereon for six months, and may deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the association to the land therein mentioned.

Notice to be published.

**33.** A notice, in such form and for such time as the said court appoints, shall be inserted in some newspaper, if there is any published in the municipality in which the lands are situated, and in the city of Toronto, which shall state that the title of the association, that is the conveyance, agreement or award is under this Act, and shall call upon all persons entitled to the land or to any part thereof, or representing or being the husbands of any parties so entitled to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged by the court or one of the justices



thereof, and the said proceedings shall forever bar all claims to the lands or any part thereof, including dower as well as all mortgages and incumbrances upon the same, and the court shall make such order for the distribution, payment, or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, and according to the provisions of this Act and to law appertain.

34. The costs of the proceedings, or any part thereof, shall be paid by the association, or by any other party as the court or judge deems it equitable to order. By whom costs to be paid.

35. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court or judge shall direct a proportionate part of the interest to be returned to the association; and if from any error, fault, or neglect of the association, it is not obtained until after the six months have expired, the court or judge shall order the association to pay to the proper claimants the interest for such further period as may be right. When interest to be returned to or paid by the company.

36. Wherever there is more than one party proprietor of any land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties, proprietor or, being together, proprietors of one-third or more of such land as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common, and the proprietor or proprietors who have so agreed may deliver possession of such land or empower the entry upon the same as the case may be. Agreement with one of several joint proprietors to bind others.

37. The capital stock of the association shall be the sum of one million dollars, divided into shares of one hundred dollars each, and which said capital stock may from time to time be increased as the association may require, by a vote of the majority of the shareholders present or represented by proxy at a meeting of the shareholders called for the purpose as the by-laws may direct, to an amount not exceeding two million dollars in the whole, and such capital stock or money shall be applied in the first place to the payment of all commissions, liabilities, obligations, expenses, and disbursements connected with the promotion and organization of the association, and the preliminary expenses, and also making surveys, plans, and estimates in connection with the work herein authorized, and the remainder to the work herein authorized. Capital stock.

38. The capital stock shall be paid by the shareholders as the directors of the association shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice, as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact duly recorded in the records, sue for the calls in arrear, or Payment of capital.

summarily forfeit any share whereon such payment is not made, and the same shall thereafter become the property of the association.

Stock to be  
personal  
property.

**39.** The stock of the association shall be deemed personally and be assignable, and no transfer of any share shall be valid 5 until entered in the books of the association according to such forms as the directors may from time to time appoint; and until the full amount of the shares subscribed shall have been paid up it shall be necessary to obtain the consent of the directors to such transfer: Provided always that no shareholder 10 indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the directors.

Votes.

**40.** At all meetings of the association every shareholder not being in arrears in respect of any instalment shall be 15 entitled to vote, one vote for each share, and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder and is in conformity with the by-laws.

Directors.

**41.** The stock, property, and affairs of the association shall be under the management of a board of five directors, or such 20 number as the by-law may determine, one of whom shall be elected president and another of whom shall be elected vice-president by and amongst themselves, and three members of such board present in person shall be a quorum thereof; each 25 of which directors shall be a shareholder and possess in his own right not less than ten shares of the capital stock of the said association, and the first directors under this Act shall be Arthur Radcliffe Boswell, Hugh Miller, James Beaty, Thomas Downey, and Robert Woods Prittie, and they shall hold office till the first general meeting of the shareholders, which 30 shall take place at the city of Toronto at such time and place as they or a majority of them shall determine, and thereafter the directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday in February in each year, at such place and in such manner as 35 the directors for the time shall direct and appoint, and the election shall be held and be made by a majority of such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any director shall die, resign, refuse, or become incapable to act, or cease to be a 40 director from any other cause, the remaining directors shall, if they think proper, elect in his place another shareholder to be a director, who shall hold office until the next annual meeting.

Company not  
dissolved on  
failure to elect  
directors at  
proper time.

**42.** In case at any time an election of directors shall not be made on the day herein appointed, the said association shall 45 not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws, rules, and regulations of the said association, or the directors may determine by by-law for that purpose. 50

Powers of  
directors.

**43.** The board of directors shall have full power in all things to administer the affairs of the association, and to make all contracts which the association may by by-laws make, to adopt a common seal, to regulate by by-laws or otherwise the 55

calling in of all instalments of stock and payment thereof, and the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the payment out of the capital stock to themselves or others of expenses as promoters in their discretion not exceeding five per centum of the whole capital stock as paid up stock, the declaration and payment of dividends, the appointments, functions, duties and removal of all agents, officers, and servants of the association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the making of calls upon subscribed capital, the imposition and recovery of all penalties and forfeitures imposed upon the several members of the association infringing such by-laws, and the conducting all other particulars of the affairs of the association; but all such by-laws, and every repeal, amendment and re-enactment thereof, may be varied, altered, or cancelled by the shareholders of the association at the next general meeting, and every copy of any by-law or resolution under the seal of the association, and purporting to be signed by any officer of the association, shall be received in all courts of law as *prima facie* evidence of such by-law: Provided that notice of the time and place of holding all general or special meetings of shareholders shall be given by publishing the same in two principal newspapers published in the city of Toronto for at least two weeks before the day appointed for such meeting, and also in the *Ontario Gazette* for at least two weeks prior to such meetings, and in one newspaper published in London, England.

44. The shareholders shall not be held responsible for any act, default, or liability whatsoever of the association, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the association, beyond the amount unpaid upon their shares in the stock thereof. Liability of shareholders.

45. The association shall not commence business operations under this Act until at least one hundred thousand dollars of their capital stock shall have been subscribed and ten per centum paid in. When com-  
mence  
business.

46. If at any time the directors consider it expedient to cease carrying on the business of the association and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the stockholders: Winding up  
company.  
45 Provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto, and the notices for the calling of such meeting shall mention the intention of considering the winding up.

47. The said association shall lay before the Legislative Assembly of Ontario their last annual report of directors, containing a general statement of the affairs of the said association, which report shall be presented within the first thirty days of each session of the Legislature at each session thereof. Report to be  
laid before  
Legislative  
Assembly.



1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to incorporate the Toronto Tenement Building Association.

First Reading,	1884.
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(PRIVATE BILL.)

Mr. BADGEROW.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.



## An Act to incorporate the Toronto Tenement Building Association.

**W**HEREAS the persons hereinafter named by their petition Preamble.  
 represent that with the view of purchasing lands in  
 localities thickly populated for the purpose of building houses  
 and tenements thereon, with modern conveniences and sanitary  
 5 appliances, for the occupation specially of the mechanical and  
 other industrial classes, they propose to form an association  
 with power to deal in lands, houses, and tenements, and  
 whereas the said petitioners have prayed that they and all  
 10 others subscribers to stock or shares therein may be incorpo-  
 rated; and in consideration of the objects aforesaid and the  
 public benefit to arise therefrom it is expedient to grant their  
 prayer ;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 15 as follows :—

1. William F. McMaster, John Leys, James Jolliffe, Henry Incorporation.  
 Hutchinson, David Millar, John Edgar, William H. Doel,  
 John S. King, M.D., Slade Robinson, M.R.C.S., F. G. Holmes,  
 M.D., E. J. Barwick, M.D., H. H. Wright, M.D., Charles  
 20 Archibald, M.D., R. B. Nevitt, M.D., D. G. Oliphant, M.D., J.  
 Baxter, M.D., James Beaty, M.P., Robert Hay, M.P., John  
 Small, M.P., A. R. Boswell, John B. Hall, M.D., John Hallam,  
 George D. Morton, M.D., John Turner, Sidney S. Hamilton,  
 Hugh Miller, Samuel Platt, Robert Swan, J. P. Russell, M.D.,  
 25 Allen Baines, M.D., L.R.C.P., A. A. Macdonald, M.B., L.R.C.P.&S.  
 S.B. Pollard, M.D., J. W. Lesslie, M.D., Frederick W. Strange, M.D.,  
 Frederiek L. M. Grasett, M.B., J. Algernon Temple, M.D., M.R.  
 C.S., J. T. Knott, M.D., M.R.C.S., John Hall, M.D., A. H. Wright,  
 M.B., F. Krauss, M.D., T. W. Machell, M.B., W. B. Geikie, M.D.,  
 30 J. B. Gullen, M.B., W. T. Stuart, M.D., T. Hamilton Evans,  
 M.D., John E. Kennedy, M.D., B.A., John Ferguson, B.A., M.D.,  
 L.R.C.P.&S., Wm. Nattress, M.B., M.R.C.S., J. H. Burns, M.B.,  
 W. T. Wagner, M.B., P. A. Constantinides, M.D., M.R.C.S.,  
 J. E. Graham, M.D., Alex. Wheeler, A. McPhedran, M.B.,  
 35 G. B. Smith, M.B., J. Fulton, M.D., M.R.C.S., L.R.C.P., W. S.  
 Oliver, M.D., F.K., C.S.I., A. J. Geikie, M.D., C.M., Samuel E.  
 McCully, M.D., Prof. S. Vernoy, W. H. Morehouse, M.D., Bruce  
 S. Riordan, M.D., Alex. Davidson, M.D., James C. Hamilton,  
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 40 Thomas Woodhouse, James H. Rogers, Charles Pilly, Kenneth  
 A. Miller, W. S. Broughton, Chas. E. Blachford, John Harvie,  
 William Ashall, Thomas R. Bains, J. R. Foster, J. M. Hamilton,  
 Thos. Kennedy, jr., and Charles Page, together with all such  
 other persons as shall become shareholders in the association

hereby constituted shall be and they are hereby made a body corporate and politic, by the name of "The Toronto Tenement Building Association."

Power to acquire lands to erect buildings and to lease same, etc.  
36 V. c. 128, secs 2 and 11.

2. The association shall have power to acquire and hold by purchase, gift, lease, exchange, or otherwise by any legal or equitable title, lands, houses, buildings, tenements, erections, and premises, and power to construct, erect, build, and maintain houses, buildings, tenements, or other erections, and to heat the same with fire, steam, water, or other reasonably safe and usual means, and to light the same with gas, electricity or other reasonably safe and usual means, and power to sell, convey, exchange, and dispose of the same or any part thereof, and to mortgage or charge with a lien the same or any part thereof, and to lease or let the same or any part thereof, or any rooms or apartments thereof, for a term of years or by the month or week, and with all the powers, rights, and incidents of landlords as between landlord and tenant, and with power to contract or agree for the sale or purchase of lands, or houses, or other erections, as aforesaid, as between vendor and purchaser, and to contract or agree with corporations or persons for any of the purposes aforesaid and as may be deemed advantageous for the said association.

Borrowing powers.  
36 V. c. 128, s. 2.

3. The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may for the purpose of borrowing money execute any mortgages on their property or any part thereof, or issue bonds or debentures under the seal of the association for sums of not less than one hundred dollars each; provided that the aggregate of such bonds or debentures do not exceed the paid up capital of the association.

Lending powers.  
36 V. c. 128, s. 2.

4. The said association shall have power to lend its money on security of mortgages on real estate or in the purchase of mortgages on real estate, or Dominion or Provincial Government bonds, debentures or stocks, or on municipal bonds or debentures, or in the purchase thereof on such terms and conditions and at such rates of interest or discount as may be deemed advantageous to such association; and power to sell or dispose of the same, or to mortgage or charge with lien the same or any part thereof to any corporation or person, and to convey, assign, or deliver the same for such purposes, and may be deemed advantageous to such association, and the said association shall also have all the powers of a permanent building society as if incorporated under the Act respecting Building Societies, chapter 164 of the Revised Statutes of Ontario, and the Acts amending the same.

Power to alter location of streets.

5. The said association shall have power, with the consent of the council of the city, town or municipality, by by-law, or upon obtaining an order upon summary application to any judge of the High Court of Justice or County Court of the locality, to change or alter the location of streets connected with or adjacent to or part of any described block of land in any case, and with said consent to open streets through lands of other owners or occupants, upon payment of compensation therefor by agreement with the owners thereof.

6. All corporations and persons whatever, tenants in tail or for life, guardians, curators, executors, administrators and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons seised, possessed of, or interested in any lands may contract for, sell and convey unto the association all or any part thereof.

Corporations, etc., may convey lands. R. S. O. c. 165, s. 13.

7. The powers by the preceding section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, or executors appointed by wills, in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the said association.

Limitation of powers in certain cases. R. S. O. c. 165, s. 13, ss. 2.

8. Any contract, agreement, sale, conveyance and assurance made under the two preceding sections shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the said association the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act.

Effect of sale under two preceding sections. R. S. O. c. 165, s. 14.

9. All corporations or persons who cannot in common course of law sell or alienate any lands, may agree upon a fixed annual rent as an equivalent, and not upon a principal sum to be paid for the lands, and for the payment of the said annual rent and every other annual rent agreed upon, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands which the vendor agrees to leave unpaid, the association shall be liable and chargeable in preference to all other claims and demands thereon whatsoever; the deed creating such charge and liability being duly registered in the registry office of the proper county or other registration division.

Corporations unable to sell may agree upon a fixed rent. R. S. O. c. 165, s. 17.

10. The capital stock of the association shall be the sum of one million dollars, divided into shares of one hundred dollars each, and which said capital stock may from time to time be increased as the association may require, by a vote of the majority of the shareholders present or represented by proxy at a meeting of the shareholders called for the purpose as the by-laws may direct, to an amount not exceeding two million dollars in the whole, and such capital stock or money shall be applied in the first place to the payment of all commissions, liabilities, obligations, expenses, and disbursements connected with the promotion and organization of the association, and the preliminary expenses, and also making surveys, plans, and estimates in connection with the work herein authorized, and the remainder to the work herein authorized.

Capital stock.

11. The capital stock shall be paid by the shareholders as the directors of the association shall require, or as the by-laws may provide, and if not paid at the day required, interest at

R. S. O. c. 150, secs 38 and 39.



the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice, as the by-laws prescribe, and within the time limited 5 by such notice, the directors may, by vote, reciting the fact duly recorded in the records, sue for the calls in arrear, or summarily forfeit any share whereon such payment is not made, and the same shall thereafter become the property of the association. 10

Stock to be  
personal  
property.

**12.** The stock of the association shall be deemed personalty and be assignable, and no transfer of any share shall be valid until entered in the books of the association according to such forms as the directors may from time to time appoint; and until the full amount of the shares subscribed shall have been 15 paid up it shall be necessary to obtain the consent of the directors to such transfer: Provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the directors. 20

Trusts,  
R. S. O. c. 164,  
s. 49.

**13.** The Association shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock, or to which any deposit, or any other moneys payable by or in the hands of the said Association, may be subject; and the receipt of the party 25 or parties in whose name any such share, or shares, or moneys stand in the books of the Association shall, from time to time, be sufficient discharge to the Association for any payment of any kind made in respect of such share, or shares, or moneys, notwithstanding any trust to which the same may then be 30 subject, and whether or not said Association has had notice of such trust, and the Association shall not be bound to see to the application of the money paid upon such receipt.

Votes.

**14.** At all meetings of the association every shareholder not being in arrears in respect of any instalment shall be 35 entitled to vote, one vote for each share, and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder and is in conformity with the by-laws.

Directors.

**15.** The stock, property, and affairs of the association shall be under the management of a board of five directors, or such 40 number as the by-law may determine, one of whom shall be elected president and another of whom shall be elected vice-president by and amongst themselves, and three members of such board present in person shall be a quorum thereof; each of which directors shall be a shareholder and possess in his 45 own right not less than ten shares of the capital stock of the said association, and the first directors under this Act shall be Arthur Radcliffe Boswell, Hugh Miller, James Beaty, Thomas Downey, and Robert Woods Prittie, and they shall hold office till the first general meeting of the shareholders, which 50 shall take place at the city of Toronto at such time and place as they or a majority of them shall determine, and thereafter the directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday in February in each year, at such place and in such manner as 55



the directors for the time shall direct and appoint, and the election shall be held and be made by a majority of such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any director shall die, resign, refuse, or become incapable to act, or cease to be a director from any other cause, the remaining directors shall, if they think proper, elect in his place another shareholder to be a director, who shall hold office until the next annual meeting.

16. In case at any time an election of directors shall not be made on the day herein appointed, the said association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws, rules, and regulations of the said association, or the directors may determine by by-law for that purpose.

Company not dissolved on failure to elect directors at proper time.

17. The board of directors shall have full power in all things to administer the affairs of the association, and to make all contracts which the association may by by-laws make, to adopt a common seal, to regulate by by-laws or otherwise the calling in of all instalments of stock and payment thereof, and the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the payment out of the capital stock to themselves or others of expenses as promoters in their discretion not exceeding five per centum of the whole capital stock as paid up stock, the declaration and payment of dividends, the appointments, functions, duties and removal of all agents, officers, and servants of the association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the making of calls upon subscribed capital, the imposition and recovery of all penalties and forfeitures imposed upon the several members of the association infringing such by-laws, and the conducting all other particulars of the affairs of the association; but all such by-laws, and every repeal, amendment and re-enactment thereof, may be varied, altered, or cancelled by the shareholders of the association at the next general meeting, and every copy of any by-law or resolution under the seal of the association, and purporting to be signed by any officer of the association, shall be received in all courts of law as *prima facie* evidence of such by-law: Provided that notice of the time and place of holding all general or special meetings of shareholders shall be given by publishing the same in two principal newspapers published in the city of Toronto for at least two weeks before the day appointed for such meeting, and also in the *Ontario Gazette* for at least two weeks prior to such meetings, and in one newspaper published in London, England.

Powers of directors.

18. The shareholders shall not be held responsible for any act, default, or liability whatsoever of the association, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the association, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.  
36 V. Ont.  
s. 13.

When com-  
mences busi-  
ness.  
36 V. Ont.  
c. 128, s. 14.

**19.** The association shall not commence business operations under this Act until at least one hundred thousand dollars of their capital stock shall have been subscribed and ten per centum paid in.

Winding up  
company.  
36 V. Ont.,  
c. 128, s. 15.

**20.** If at any time the directors consider it expedient to 5  
cease carrying on the business of the association and to wind  
up and close it, they shall have power so to do in such manner  
as they shall deem best for the interests of the stockholders:  
Provided that the consent of a majority of the stockholders  
present at any meeting thereof be obtained thereto, and the 10  
notices for the calling of such meeting shall mention the inten-  
tion of considering the winding up.

Report to be  
laid before  
Legislative  
Assembly.  
36 V. Ont.  
c. 128, s. 16.

**21.** The said association shall lay before the Legislative 15  
Assembly of Ontario their last annual report of directors, con-  
taining a general statement of the affairs of the said associa-  
tion, which report shall be presented within the first thirty  
days of each session of the Legislature at each session thereof.



1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the Toronto Tenement Building Association.

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First Reading, 13th February, 1884.

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*(Reprinted for Committee.)*

*(PRIVATE BILL.)*

Mr. BADGEROW.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to incorporate the Toronto Tenement Building Association.

**W**HEREAS the persons hereinafter named by their petition Preamble.  
 represent that with the view of purchasing lands in  
*the city of Toronto in localities therein* thickly populated,  
 for the purpose of building houses and tenements thereon, with  
 5 modern conveniences and sanitary appliances, for the occupation  
 specially of the mechanical and other industrial classes, they  
 propose to form an association with power to deal in lands,  
 houses, and tenements *in the said city*; and whereas the said  
 petitioners have prayed that they and all others subscribers to  
 10 stock or shares therein may be incorporated; and in considera-  
 tion of the objects aforesaid and the public benefit to arise  
 therefrom it is expedient to grant their prayer;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 15 as follows :—

**1.** William F. McMaster, John Leys, James Jolliffe, Henry Incorporation.  
 Hutchinson, David Millar, John Edgar, William H. Doel,  
 John S. King, M.D., Slade Robinson, M.R.C.S., F. G. Holmes,  
 M.D., E. J. Barwick, M.D., H. H. Wright, M.D., Charles  
 20 Archibald, M.D., R. B. Nevitt, M.D., D. G. Oliphant, M.D., J.  
 Baxter, M.D., James Beaty, M.P., Robert Hay, M.P., John  
 Small, M.P., A. R. Boswell, John B. Hall, M.D., John Hallam,  
 George D. Morton, M.D., John Turner, Sidney S. Hamilton,  
 Hugh Miller, Samuel Platt, Robert Swan, J. P. Russell, M.D.,  
 25 Allen Baines, M.D., L.R.C.P., A. A. Macdonald, M.B., L.R.C.P.&S.,  
 S.B. Pollard, M.D., J. W. Lesslie, M.D., Frederick W. Strange, M.D.,  
 Frederick L. M. Grasett, M.B., J. Algernon Temple, M.D., M.R.  
 C.S., J. T. Knott, M.D., M.R.C.S., John Hall, M.D., A. H. Wright,  
 M.B., F. Krauss, M.D., T. W. Machell, M.B., W. B. Geikie, M.D.,  
 30 J. B. Gullen, M.B., W. T. Stuart, M.D., T. Hamilton Evans,  
 M.D., John E. Kennedy, M.D., B.A., John Ferguson, B.A., M.D.,  
 L.R.C.P.&S., Wm. Nattress, M.B., M.R.C.S., J. H. Burns, M.B.,  
 W. T. Wagner, M.B., P. A. Constantinides, M.D., M.R.C.S.,  
 J. E. Graham, M.D., Alex. Wheeler, A. McPhedran, M.B.,  
 35 G. B. Smith, M.B., J. Fulton, M.D., M.R.C.S., L.R.C.P., W. S.  
 Oliver, M.D., F.K., C.S.I., A. J. Geikie, M.D., C.M., Samuel E.  
 McCully, M.D., Prof. S. Vernoy, W. H. Morehouse, M.D., Bruce  
 S. Riordan, M.D., Alex. Davidson, M.D., James C. Hamilton,  
 James McCullough, M.D., Joseph Rogers, J. C. Clapp, M.D.,  
 40 Thomas Woodhouse, James H. Rogers, Charles Pilly, Kenneth  
 A. Miller, W. S. Broughton, Chas. E. Blachford, John Harvie,  
 William Ashall, Thomas R. Bains, J. R. Foster, J. M. Hamilton,  
 Thos. Kennedy, jr., and Charles Page, together with all such  
 other persons as shall become shareholders in the association

hereby constituted shall be and they are hereby made a body corporate and politic, by the name of "The Toronto Tenement Building Association."

Power to acquire lands to erect buildings and to lease same, etc.  
36 V. c. 128,  
secs 2 and 11.

2. The association shall have power to acquire and hold by purchase, gift, lease, exchange, or otherwise by any legal or equitable title, lands, houses, buildings, tenements, erections, and premises *situated within the said city of Toronto*, and power *within said city* to construct, erect, build, and maintain houses, buildings, tenements, or other erections, and to heat the same with fire, steam, water, or other reasonably safe and usual means, and to light the same with gas, electricity or other reasonably safe and usual means, and power to sell, convey, exchange, and dispose of the same or any part thereof, and to mortgage or charge with a lien the same or any part thereof, and to lease or let the same or any part thereof, or any rooms or apartments thereof, for a term of years or by the month or week, and with all the powers, rights, and incidents of landlords as between landlord and tenant, and with power to contract or agree for the sale or purchase of lands, or houses, or other erections, as aforesaid, as between vendor and purchaser, and to contract or agree with corporations or persons for any of the purposes aforesaid and as may be deemed advantageous for the said association.

Borrowing powers.  
36 V. c. 128,  
s. 2.


3. The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may for the purpose of borrowing money execute any mortgages on their property or any part thereof, or issue bonds or debentures under the seal of the association for sums of not less than one hundred dollars each; provided that the aggregate of such bonds or debentures do not exceed the paid up capital of the association.

Lending and other powers.  
36 V. c. 128,  
s. 2.

4. The said association shall have power to lend its money on security of mortgages on real estate or in the purchase of mortgages on real estate, or Dominion or Provincial Government bonds, debentures or stocks, or on municipal bonds or debentures, or in the purchase thereof on such terms and conditions and at such rates of interest or discount as may be deemed advantageous to such association; and power to sell or dispose of the same, or to mortgage or charge with lien the same or any part thereof to any corporation or person, and to convey, assign, or deliver the same for such purposes, and as may be deemed advantageous to such association, and the said association shall, ~~as~~ save as otherwise provided by this Act, ~~and~~ also have all the powers of a permanent building society as if incorporated under the Act respecting Building Societies, chapter 164 of the Revised Statutes of Ontario, and the Acts amending the same.

Power to alter location of streets.

5. The said association shall have power, with the consent of the council of the *said city of Toronto* by by-law, to change or alter the location of streets connected with or adjacent to or part of any described block of land in any case, and with said consent to open streets through lands of other owners or occupants, upon payment of compensation therefor by agreement with the owners thereof, ~~as~~ but before passing such by-law the said council shall in respect of such by-law comply

with all the provisions of section five hundred and forty-six of the "Consolidated Municipal Act, 1883," and said by-law shall be considered and taken to be a by-law within the said section. 

5     **6.** The capital stock of the association shall be the sum of Capital stock.  
one million dollars, divided into shares of one hundred dollars  
each, and which said capital stock may from time to time be  
increased as the association may require, by a vote of the  
majority of the shareholders present or represented by proxy  
10 at a meeting of the shareholders called for the purpose as the  
by-laws may direct, to an amount not exceeding two million  
dollars in the whole, and such capital stock or money shall be  
applied in the first place to the payment of all commissions,  
liabilities, obligations, expenses, and disbursements connected  
15 with the promotion and organization of the association, and  
the preliminary expenses, and also making surveys, plans, and  
estimates in connection with the work herein authorized, and  
the remainder to the work herein authorized.

7. The capital stock shall be paid by the shareholders as Enforcement  
of payment  
of calls.  
20 the directors of the association shall require, or as the by-laws  
may provide, and if not paid at the day required, interest at  
the rate of seven per centum per annum shall be payable after  
the said day upon the amount due and unpaid, and in case  
any instalment or instalments shall not be paid as required by  
25 the directors with interest thereon after such demand or  
notice, as the by-laws prescribe, and within the time limited  
by such notice, the directors may, by vote, reciting the fact  
duly recorded in the records, sue for the calls in arrear, or  
summarily forfeit any share whereon such payment is not  
30 made, and the same shall thereafter become the property of  
the association.

8. The stock of the association shall be deemed personalty Stock to be  
personal  
property.  
and be assignable, and no transfer of any share shall be valid  
until entered in the books of the association according to such  
35 forms as the directors may from time to time appoint; and  
until the full amount of the shares subscribed shall have been  
paid up it shall be necessary to obtain the consent of the  
directors to such transfer: Provided always that no shareholder  
indebted to the company shall be permitted to make a transfer  
40 or receive a dividend until such debt be paid or secured to be  
paid to the satisfaction of the directors.

9. The Association shall not be bound to see to the execu- Trusts,  
R. S. O. c. 164,  
s. 49.  
tion of any trust, whether expressed, implied, or constructive,  
to which any share or shares of its stock, or to which any de-  
45 posit, or any other moneys payable by or in the hands of the  
said Association, may be subject; and the receipt of the party  
or parties in whose name any such share, or shares, or moneys  
stand in the books of the Association shall, from time to time,  
be sufficient discharge to the Association for any payment of  
50 any kind made in respect of such share, or shares, or moneys,  
notwithstanding any trust to which the same may then be  
subject, and whether or not said Association has had notice of  
such trust, and the Association shall not be bound to see to the  
application of the money paid upon such receipt.



Votes.

**10.** At all meetings of the association every shareholder not being in arrears in respect of any instalment shall be entitled to vote, one vote for each share, and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder and is in conformity with the by-laws. 5

Directors.

**11.** The stock, property, and affairs of the association shall be under the management of a board of five directors, or such number as the by-law may determine, one of whom shall be elected president and another of whom shall be elected vice-president by and amongst themselves, and three members of 10 such board present in person shall be a quorum thereof; each of which directors shall be a shareholder and possess in his own right not less ~~ten~~ than twenty unincumbered shares of the capital stock of the said Association, having not less than twenty per cent. paid up thereon, or such larger number of 15 shares or such larger amount paid up on any such shares as by by-law approved at any regular meeting of the shareholders shall be required in that behalf, ~~and~~ and the first directors under this Act shall be Arthur Radcliffe Boswell, Hugh Miller, James Beaty, Thomas Downey, and Robert Woods Prittie, and they 20 shall hold office till the first general meeting of the shareholders, which shall take place at the city of Toronto at such time and place as they or a majority of them shall determine, and thereafter the directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday 25 in February in each year, at such place and in such manner as the directors for the time shall direct and appoint, and the election shall be held and be made by a majority of such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any director shall 30 die, resign, refuse, or become incapable to act, or cease to be a director from any other cause, the remaining directors shall, if they think proper, elect in his place another shareholder to be a director, who shall hold office until the next annual meeting.

Company not dissolved on failure to elect directors at proper time.

**12.** In case at any time an election of directors shall not be 35 made on the day herein appointed, the said association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws, rules, and regulations of the said association, or 40 the directors may determine by by-law for that purpose.

Powers of directors.

**13.** The board of directors shall have full power in all things to administer the affairs of the association, and to make all contracts which the association may by by-laws make, to adopt a common seal, to regulate by by-laws or otherwise the 45 calling in of all instalments of stock and payment thereof, and the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointments, functions, duties and removal of 50 all agents, officers, and servants of the association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the making of calls upon subscribed capital, the imposition and 55 recovery of all penalties and forfeitures imposed upon the



several members of the association infringing such by-laws, and the conducting all other particulars of the affairs of the association; but all such by-laws, and every repeal, amendment and re-enactment thereof, may be varied, altered, or cancelled  
 5 by the shareholders of the association at the next general meeting, and every copy of any by-law or resolution under the seal of the association, and purporting to be signed by any officer of the association, shall be received in all courts of law as *prima facie* evidence of such by-law: Provided that notice  
 10 of the time and place of holding all general or special meetings of shareholders shall be given by publishing the same in two principal newspapers published in the city of Toronto for at least two weeks before the day appointed for such meeting, and also in the *Ontario Gazette* for at least two weeks prior to  
 15 such meetings, ~~and~~ and when and so soon as there are any shareholders residing in Great Britain or Ireland, then ~~in~~ in one newspaper published in London, England.

14. The shareholders shall not be held responsible for any act, default, or liability whatsoever of the association, or for  
 20 any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the association, beyond the amount unpaid upon their shares in the stock thereof.

15. The association shall not commence business operations  
 25 under this Act until at least one hundred thousand dollars of their capital stock shall have been subscribed and ten per centum paid in.

16. If at any time the directors consider it expedient to  
 30 cease carrying on the business of the association and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the stockholders: Provided that the consent of a majority of the stockholders present at any *general or special* meeting thereof be obtained thereto, and the notices for the calling of such meeting shall  
 35 mention the intention of considering the winding up.

17. The said association shall lay before the Legislative  
 40 Assembly of Ontario their last annual report of directors, containing a general statement of the affairs of the said association, which report shall be presented within the first thirty days of each session of the Legislature at each session thereof.

18. In this Act the words or expression "city of Toronto" shall be held to mean and include the said city of Toronto as it is now or may at any time hereafter be incorporated.

Proviso.

Liability of shareholders.  
 36 V. Ont.  
 s. 13.

When company may commence business.  
 36 V. Ont.  
 c. 128, s. 14.

Winding up company.  
 36 V. Ont.,  
 c. 128, s. 15.

Report to be laid before Legislative Assembly.  
 36 V. Ont.  
 c. 128, s. 16.

"City of Toronto," meaning of.

No. 18.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the Toronto Tenement Building Association.

*(Reprinted as amended.)*

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First Reading, 13th February, 1884.

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*(PRIVATE BILL.)*

Mr. BADGEROW.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize the Corporation of the Town of Orangeville to purchase land for a Post Office site.

WHEREAS the corporation of the town of Orangeville have by their petition represented that it is intended to erect a post office and other public buildings in said town upon the condition of a site for the same being presented by said town to the Government of the Dominion of Canada, and have prayed that an Act may be passed authorizing them to purchase the land hereinafter mentioned for such purpose, and to pay therefor, out of the funds of the said corporation, the sum of twelve hundred dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Orangeville may purchase from the owner or owners thereof, and may convey or cause to be conveyed to the Government of the Dominion of Canada, or to whom they may direct for the purpose hereinbefore mentioned, that part of lot number eleven in block number eight, in the said town of Orangeville, according to a plan of part of the said town laid out by Charles James Wheelock, provincial land surveyor, at the instance of the municipal corporation of the township of East Garafraxa, and filed in the registry office of the county of Dufferin, more particularly described as follows: commencing at a post planted at the north-westerly angle of said lot number eleven; thence southerly, along the westerly boundary of said lot, and on the dividing line between said lot number eleven and lot number twelve in said block number eight, one hundred and thirty-two feet; thence easterly, parallel with Broadway Street, seventy-five feet; thence northerly, parallel with the said westerly boundary of said lot number eleven, one hundred and thirty-two feet, more or less, to the southerly boundary of Broadway Street; thence westerly, along the said southerly boundary of said Broadway Street, seventy-five feet, more or less, to the place of beginning; containing by admeasurement nine thousand nine hundred square feet, more or less.

2. The said corporation may pay to the owner or owners of the above mentioned parcel of land the sum of twelve hundred dollars of the money of the said corporation therefor.

Preamble.

Purchase of land for post office, and transfer to Dominion Government authorized.

Payment out of corporation funds authorized.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to authorize the Corporation of the  
Town of Orangeville to purchase land  
for a Post Office site.

First Reading,	, 1884.
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(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.



An Act respecting the Yorkville Loop Line Railway  
Company.

WHEREAS the Yorkville Loop Line Railway Company Preamble.

have by their petition represented that owing to various causes they have been unable to proceed with the construction of their railway, and they have prayed that the time for the  
5 commencement and completion of their railway may be extended, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts  
10 as follows :—

1. The time for the commencement of the construction of the said Yorkville Loop Line Railway Company's railway and works is hereby extended for five years from the passing of this Act, and the time for completion is extended for eight  
15 years from the passing of this Act, anything in any statute heretofore passed to the contrary notwithstanding.
- Time for commencement extended for five years, and for completion for eight years.

No. 20.

1st Session, 5th Legislature, 47 Vic., 1880.

BILL.

An Act respecting the Yorkville Loop Line  
Railway Company.

1st Reading,	1884.
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(*PRIVATE BILL.*)

Mr. FERRIS.

TORONTO :

PRINTED BY C. B. ROBINSON, JORDAN STREET.

An Act respecting the Yorkville Loop Line Railway Company.

WHEREAS the Yorkville Loop Line Railway Company Preamble.

have by their petition represented that owing to various causes they have been unable to proceed with the construction of their railway, and they have prayed that the time for the commencement and completion of their railway may be extended, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the commencement of the construction of the said Yorkville Loop Line Railway Company's railway and works is hereby extended for five years from the passing of this Act, and the time for completion is extended for eight years from the passing of this Act, anything in any statute heretofore passed to the contrary notwithstanding.

Time for commencement extended for five years, and for completion for eight years.

2. The said Company shall, at the point where the said railway crosses Yonge Street, build or construct a railway bridge over, or a subway under, the said street for the use of their trains in crossing the said street.

Bridge or subway to be built at Yonge Street Crossing.

3. Such railway bridge or subway shall be built or constructed similar to the railway bridge or subway that may be hereafter constructed by the Ontario and Quebec Railway Company for the use of their trains in crossing the said street; provided always, that the said Company shall not be liable to build or construct either the said railway bridge or subway unless the Ontario and Quebec Railway Company shall construct a railway bridge or subway at the point where their railway crosses the said street.

Bridge or subway to correspond with that of O. & Q. Railway.

Proviso.

1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act respecting the Yorkville Loop Line  
Railway Company.

*(Reprinted as amended.)*

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First Reading, 15th February, 1884.

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*(PRIVATE BILL.)*

Mr. FERRIS.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to reduce the capital stock of the English Loan Company, and for other purposes.

**W**HEREAS the English Loan Company, incorporated by Preamble.  
 letters patent dated the twenty-fifth day of September,  
 in the year of our Lord one thousand eight hundred and  
 seventy-eight, has sustained certain losses whereby the capital  
 5 of the said company has become impaired, and the actual  
 value of the stock much reduced; and whereas the share-  
 holders of the said company have authorized an application  
 to be made to the Legislative Assembly of the Province of  
 Ontario; and whereas the said company has by its petition  
 10 prayed that the sum of seventy thousand dollars, a sum suf-  
 ficient to cover such losses, may be written off the paid-up  
 capital of the said company in the following manner, namely,  
 three dollars off each existing share, and the balance neces-  
 sary to make up the said sum of seventy thousand dollars  
 15 in the proportion of so much per centum on the amount paid  
 upon stock by each shareholder respectively, and that the sev-  
 eral issues of stock in the said company may be placed on the  
 same basis by concentrating the moneys remaining paid on  
 stock by each shareholder respectively after the writing off  
 20 of the said sum of seventy thousand dollars into paid-up  
 shares of the nominal or par value of one hundred dollars each,  
 and that the balance of existing shares may be cancelled, and  
 that the qualification of directors may be altered, and that cer-  
 tain amendments may be made to the charter of the said com-  
 25 pany and to the Act passed in the forty-third year of Her  
 Majesty's reign, chaptered seventy-six; and it is expedient to  
 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 30 as follows:—

1. The sum of seventy thousand dollars is hereby written off Capital Stock  
 the paid-up capital of the said the English Loan Company, in the reduced by  
 following manner, three dollars off each existing share, and the writing off  
 35 sand dollars in the proportion of so much per centum on the \$70,000.  
 moneys paid in upon each share respectively, and in such cal-  
 culation every existing share on which less than ten per centum  
 has been paid shall bear its proportion of such balance as  
 though such ten per centum had been paid.

40 2. After the writing off as aforesaid of the said sum of Mode of allot-  
 seventy thousand dollars, the amount remaining paid upon ting shares  
 stock by each shareholder respectively shall be ascertained, after loss writ  
 and for each and every one hundred dollars so remaining each ten off.

Proviso.

shareholder shall be entitled to one share fully paid-up in the said capital stock of the nominal or par value of one hundred dollars: Provided that in the event of the amount so remaining paid upon stock by any shareholder being less than the sum of one hundred dollars, or in the event of there being after the allotment of a share or shares of one hundred dollars each a sum of less than one hundred dollars remaining to the credit of any shareholder, then and in every such event such shareholder shall be entitled to one share in the said capital stock of the nominal or par value of one hundred dollars with the sum or balance so ascertained as aforesaid paid thereon, and such shareholder shall have the privilege at any time of paying up such share to the full amount of one hundred dollars.

Non-liability to further calls by reason only of reduction.

3. No share of the said capital stock shall be liable to any further call by reason only of the reduction hereby made.

Existing shares extinguished.

4. Except for the purposes hereinbefore set forth, the existing shares of the said stock are hereby extinguished; but this section shall not affect any action now pending.

All distinctions between the several existing issues of stock abolished.

5. All distinctions or differences between the several issues of stock which have been created and now exist, are hereby abolished, and the shares to be allotted to the several shareholders after the said reduction are hereby placed on the same footing.

Calls on new issues of stock.

6. At the time of the making of any new issue of stock the directors shall fix the amount to be called in upon the same, the said amount so to be called in shall not be less than ten per centum, but notwithstanding any provision or condition in the letters patent incorporating the said company, or in the Act passed in the forty-third year of Her Majesty's reign chaptered seventy-six, the directors may call in the full amount of one hundred per centum.

Votes.

7. From and after the passing of this Act every shareholder shall be entitled to as many votes as he holds shares in the company.

Qualification of directors.

8. The qualification of directors and the eligibility of shareholders to be elected to the position of directors shall be the holding of at least ten shares with one thousand dollars paid thereon.

New register of shareholders.

9. A new register of the shareholders of the said company shall be prepared in accordance with the provisions of this Act.

Rights of creditors saved.

10. Nothing herein contained shall prejudice any claim of creditors of the said company.



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to reduce the Capital Stock of the  
English Loan Company and for other  
purposes.

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1st Reading,

1884.

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(*PRIVATE BILL.*)

**Mr. MEREDITH.**

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TORONTO :

PRINTED BY C. E. ROBINSON, JORDAN STREET.



An Act to reduce the capital stock of the English Loan Company, and for other purposes.

WHEREAS the English Loan Company, incorporated by Preamble.  
 letters patent dated the twenty-fifth day of September,  
 in the year of our Lord one thousand eight hundred and  
 seventy-eight, has sustained certain losses whereby the capital  
 5 of the said company has become impaired, and the actual  
 value of the stock much reduced; and whereas the share-  
 holders of the said company have authorized an application  
 for a special Act to be made to the Legislative Assembly  
 of the Province of Ontario enacting that the sum of  
 10 seventy thousand dollars, a sum sufficient to cover such  
 losses, may be written off the paid-up capital of the said  
 company in the following manner, namely, three dollars  
 off each existing share, and the balance necessary to  
 make up the said sum of seventy thousand dollars in the  
 15 proportion of so much per centum on the amount paid  
 upon stock by each shareholder respectively, and that the sev-  
 eral issues of stock in the said company may be placed on the  
 same basis by concentrating the moneys remaining paid on  
 stock by each shareholder respectively after the writing off  
 20 of the said sum of seventy thousand dollars into paid-up  
 shares of the nominal or par value of one hundred dollars each,  
 and that the balance of existing shares may be cancelled, and  
 that the qualification of directors may be altered, and that cer-  
 tain amendments may be made to the charter of the said com-  
 25 pany and to the Act passed in the forty-third year of Her  
 Majesty's reign, chaptered seventy-six; and the said com-  
 pany have by their petition prayed that the said Act may  
 pass and it is expedient to grant the prayer of the said  
 petition;  
 30 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The sum of seventy thousand dollars is hereby written off  
 the paid-up capital of the said the English Loan Company, in the  
 35 following manner, three dollars off each existing share, and the  
 balance necessary to make up the said sum of seventy thou-  
 sand dollars in the proportion of so much per centum on the  
 moneys paid in upon each share respectively, and in such cal-  
 culation every existing share on which less than ten per centum  
 40 has been paid shall bear its proportion of such balance as  
 though such ten per centum had been paid.

Capital Stock reduced by writing off \$70,000.

2. After the writing off as aforesaid of the said sum of  
 seventy thousand dollars, the amount remaining paid upon  
 stock by each shareholder respectively shall be ascertained,  
 Mode of allot-  
 ting shares  
 after loss writ-  
 ten off.

Proviso.

and for each and every one hundred dollars so remaining each shareholder shall be entitled to one share fully paid-up in the said capital stock of the nominal or par value of one hundred dollars: Provided that in the event of the amount so remaining paid upon stock by any shareholder being less than the sum of one hundred dollars, or in the event of there being after the allotment of a share or shares of one hundred dollars each a sum of less than one hundred dollars remaining to the credit of any shareholder, then and in every such event such shareholder shall be entitled to one share in the said capital stock of the nominal or par value of one hundred dollars with the sum or balance so ascertained as aforesaid paid thereon, and such shareholder shall have the privilege at any time of paying up such share to the full amount of one hundred dollars.

Non-liability to further calls by reason only of reduction.

3. No share of the said capital stock shall be liable to any further call by reason only of the reduction hereby made.

Existing shares extinguished.

4. Except for the purposes hereinbefore set forth, the existing shares of the said stock are hereby extinguished; but this section shall not affect any action now pending.

All distinctions between the several existing issues of stock abolished.

5. All distinctions or differences between the several issues of stock which have been created and now exist, are hereby abolished, and the shares to be allotted to the several shareholders after the said reduction are hereby placed on the same footing.

Calls on new issues of stock.

6. At the time of the making of any new issue of stock the directors shall fix the amount to be called in upon the same; the said amount so to be called in shall not be less than ten per centum of each share of such stock, but notwithstanding any provision or condition in the letters patent incorporating the said company, or in the Act passed in the forty-third year of Her Majesty's reign chaptered seventy-six, the directors may subject to any by-law of the company which may be hereafter passed call in the full amount remaining unpaid on each share of such stock.

Votes.

7. From and after the passing of this Act every shareholder shall be entitled to as many votes as he holds shares in the company but no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting.

Qualification of directors.

8. The qualification of directors and the eligibility of shareholders to be elected to or *continue in* the position of directors shall be the holding of at least *twelve unencumbered* shares with *twelve hundred* dollars paid thereon.

New register of shareholders.

9. A new register of the shareholders of the said company shall be prepared in accordance with the provisions of this Act.

Rights of creditors preserved.

10. Nothing herein contained shall prejudice any claim of creditors of the said company but so far as the claims of existing creditors (if any) of the said company are concerned, the liability of shareholders shall continue as if this Act had not been passed.



BILL.

An Act to reduce the Capital Stock of the  
English Loan Company and for other  
purposes.

*(Reprinted as amended.)*

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First Reading, 12th February, 1884.

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*(PRIVATE BILL.)*

MR. MEREDITH.

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TORONTO :

PRINTED by THE "GLOBE" PRINTING AND PUBLISHING CO.



An Act to incorporate the Toronto, Hamilton and Buffalo Railway.

WHEREAS the construction of a railway, as hereinafter Preamble.  
authorized, is desirable for the public interest and  
benefit of the portions of the Province of Ontario, through or  
near which the same is intended to pass, and Alfred Gooder-  
ham, John Turner, William Henry Beatty, Duncan Coulson,  
Thomas Gibbs Blackstock, John Leys, William J. Copp and  
J. M. Williams have petitioned for an Act to incorporate a  
company for the purpose of constructing such railway, and it  
is expedient to grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
of the Legislature of the Province of Ontario, enacts as  
follows :—

1. The said Alfred Gooderham, John Turner, William Henry Incorporation.  
Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys,  
William J. Copp and J. M. Williams, together with such other  
persons and corporations as shall become shareholders of the  
company hereby incorporated, are hereby constituted and de-  
clared to be a body corporate and politic, by the name of "The  
Toronto, Hamilton and Buffalo Railway Company."

2. The said company shall have full power to construct a Gauge and  
location of  
line.  
railway of a gauge of four feet eight and a-half inches, from  
a point in or near the city of Toronto to a point in or near the  
city of Hamilton, and thence to some point at or near the  
International Bridge, or Cantilever Bridge, on the Niagara  
River, and with full power to pass over any portion of the  
country between the points aforesaid, and to carry the said  
railway through the Crown lands, if any, lying between the  
points aforesaid, and to extend their line to any point neces-  
sary or convenient for making connection with the lines of the  
Grand Trunk Railway Company of Canada, or with any com-  
pany or companies having lines of railway near or across which  
the said railway may pass or be situate, and to make running  
arrangements with such railways.

3. The said company is hereby authorized and empowered Construction  
in sections of  
not less than  
ten miles  
authorized.  
to take and make the surveys and levels of the lands through  
which the said railway is to pass, together with the map or  
plan thereof, and of its course and direction, and of the lands  
intended to be passed over and taken therefor, so far as then  
ascertained, and also the book of reference for the railway,  
and to deposit the same as required by the clauses of the Rail-  
way Act of Ontario and amendments thereto, with respect to  
"plans and surveys" by sections or portions less than the length

of the whole railway authorized of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act of Ontario and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act of Ontario and the amendments thereof, with respect to "plans and surveys."

Power to  
acquire land  
for gravel pits,  
etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits,  
etc.

5. When gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

6. Whenever it shall be necessary for the purpose of purchasing sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to purchase whole lots in certain cases.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and at the city of Hamilton, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portion thereof, in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to take land for building elevators, etc., and to use streams.

8. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

9. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, and such conveyances may be registered in such manner as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates.

Form of conveyances.

10. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.



242  
Provisional  
directors and  
their power.

4

11. From and after the passing of this Act the said Alfred Gooderham, John Turner, William Henry Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys, William J. Copp and J. M. Williams shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the Railway Act of Ontario, and any other law in force in Ontario, are vested in such boards.

Capital.

12. The capital of the said company shall be one million dollars (with power to increase the same in manner provided by the Railway Act of Ontario), to be divided into ten thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power of  
directors to  
exclude persons  
from subscribing  
for stock.

13. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent.  
to be paid at  
time of subscription.

14. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the



same in some chartered bank to the credit of the said company.

15. The directors for the time being may from time to time Calls.  
make calls as they shall think fit, provided that no calls shall  
5 be made at any one time of more than ten per centum of the  
amount subscribed by each shareholder; and thirty days'  
notice of each call shall be given, as provided in the Railway  
Act of Ontario.

16. The provisional or elected directors may accept payment Power to ac-  
10 in full for stock from any subscriber thereof at the time of sub- cept, payment  
scription thereof, or at any time before the making of a final of subscrip-  
call thereon, and may allow such percentage of discount thereon tions in full.  
as they may deem expedient and reasonable, not exceeding  
twelve per centum, and thereupon may issue to each subscriber  
15 scrip to the full amount of such stock subscribed.

17. The said provisional directors or the elected directors Power to make  
may pay or agree to pay in and issue therefor stock as fully paid certain pay-  
up, or in the bonds of the said company, such sums as they ments in  
may deem expedient to engineers or contractors, or for right of stock.  
20 way, or material, plant, or rolling-stock, and also for the ser-  
vices of the promoters or other persons who may be employed  
by the directors for the purpose of assisting the directors in  
the furtherance of the undertaking or purchase of right of way,  
material, plant, or rolling-stock: Provided that if such pro-  
25 moters or other persons be provisional or elected directors of  
the company, such payment or agreement shall not be made  
unless the same be sanctioned by a vote of the shareholders at  
any general meeting, and any agreement so made shall be  
binding on the company.

30 18. As soon as shares to the amount of one hundred thou- First election  
sand dollars of the capital stock of the said company shall have of directors.  
been subscribed, and ten per centum thereof paid into some  
chartered bank having an office in the city of Toronto, which  
on no account shall be withdrawn therefrom unless for the  
35 service of the company, the directors shall call a meeting of  
the subscribers to the said capital stock, who shall have so paid  
up ten per centum thereof, for the purpose of electing directors  
to the said company.

19. In case the provisional directors neglect to call such Provision in  
40 meeting, to be held on some day within the space of three case directors  
months after such amount of the capital stock shall have been neglect to call  
subscribed, and ten per centum thereof so paid up, the same meeting.  
may be called by any five of the subscribers who shall have  
so paid up ten per centum, and who are subscribers among  
45 them for not less than twenty thousand dollars of the said cap-  
ital stock, and who have paid up all calls thereon.

20. In either case, notice of the time and place of holding Notice of  
such general meeting shall be given by publication in the meeting.  
*Ontario Gazette*, and in one newspaper in each of the cities of  
50 Toronto and Hamilton, once in each week for the space of at  
least four weeks; and such meeting shall be held at such place  
and on such day as may be named by such notice. At such  
general meeting the subscribers for the capital stock assem-

bled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 5

Annual meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in 10 the *Ontario Gazette*, and once a week in one newspaper published in the cities of Toronto and Hamilton respectively.

Special meetings.

22. Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes 15 as may be provided by the by-laws of the said company.

Votes.

23. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless 20 all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock held by corporations.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such per- 25 son as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at 30 least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Rights of aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in 35 the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company.

Company may appoint agents in England and in New York.

27. The directors of the company may, subject to the rules and regulations from time to time to be made by the directors 40 respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares 45 may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for 50 in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip cer-

tificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

28. Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of the Railway Act of Ontario, as altered or modified by this Act, shall be valid and binding.

Transfers in  
England or  
United States,  
how made.

29. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors, and the said board of directors may employ and pay one of their number as managing director.

Quorum of  
directors and  
appointment  
of a paid  
director.

30. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Delegation  
power by  
directors.

31. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided that no such contract in which a shareholder or director of the company shall be a contractor, shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
contract for  
construction  
and equipment  
of line.



Aid to  
company.

**32.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 5

Grants of land  
from municipi-  
palities, etc.,  
authorized.

**33.** Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 15

Exemption  
from taxation.

**34.** The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates, or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 20

Municipalities  
may authorize  
the company  
to make their  
road on high-  
ways.

**35.** Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. 35 40

Issue of bonds.

**36.** The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, 55



and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of \_\_\_\_\_ dollars; and provided that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualification for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

**37.** Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

38. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

40. It shall be lawful for the said company to amalgamate with any railway company (except the Great Western Railway Company), or to lease or sell its line to any railway company, if thereunto lawfully authorized (except the Great Western Railway Company), upon such terms and conditions

Power to amalgamate with or lease to other companies.

Proviso.

as may be agreed on between the two companies, but subject always to the lien and charge of the bonds and debenture stock of the said company authorized to be issued under the provisions of this Act: Provided that nothing herein contained shall be held to confer any authority upon any railway company, not within the legislative jurisdiction of Ontario, to amalgamate, lease or purchase as aforesaid further than the Legislature of Ontario has power to confer the same. 5

Rights and liabilities of amalgamated company.

41. Subject to the provisions of this Act, the amalgamated company shall be vested with all the rights, franchises, powers, 10 privileges and property that the said company entering into the amalgamation may have at the time of the amalgamation, being made by virtue of the several Acts relating to the said companies, and the amalgamating company shall be liable for all the debts, duties and obligations of the respective companies so 15 amalgamating, and no proceeding of any nature, either by or against either of the said companies, shall be abated or discontinued by reason of the said amalgamation, but shall be continued to their natural and ordinary termination as if this Act had never been passed, and if any judgment be rendered therein, such 20 judgment shall be binding upon and executory against the amalgamating company, or shall enure to the benefit thereof, as the case may be. The name of the companies when amalgamated, the place for the head office, the amount of the capital stock of the amalgamating company after the amalgamation has taken 25 place, the division of the stock among the shareholders of the respective companies, parties to the amalgamation, debenture stock then in existence, and the issue of new bonds or debenture stock, or any other readjustment or rearrangement of the bond or debenture stock issue that may be agreed on, in such 30 amounts and upon such terms as may be agreed upon, the number of directors, and all other matters affecting either or all of the companies forming the amalgamation may be settled by the deed of amalgamation: Provided, however, that the provisions of such deed be in accordance with the powers vested 35 in the company by the several Acts affecting the same, or by this Act.

Sanction of shareholders and bondholders, etc., to amalgamation required.

42. No amalgamation, sale or lease authorized by the two next preceding sections, or either of them, shall be valid or take effect until it shall have been submitted to, and received 40 the approval of two-thirds in value of the shareholders, and two-thirds in value of the holders of bonds or debenture stock hereby authorized to be issued, and actually issued at the time of the holding of the meeting, present, or represented in person or by proxy, and each class voting separately; the said meet- 45 ing shall be called in the manner directed by the by-laws of the company for holding special meetings under this Act, and the consent of the two-thirds majority required under this section, shall only require to be proved in the event of a poll being demanded at such meeting, and if such poll be not 50 demanded, a declaration of the chairman that the resolution of approval has been carried unanimously or by said two-thirds majority, as the case may be, and an entry to that effect in the book of the proceedings of the company shall be sufficient evidence of such approval without either proof of the 55 number or proportion of the votes given in favour of or against the same, and the consent given as herebefore required at said

meeting shall be binding on all bondholders and debenture stockholders (if any) respectively entitled to be present or represented at said meeting, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of any bonds, shares or stock entitled to be present or represented at said meeting.

43. Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Registration  
of debenture  
stock.

44. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Certificates to  
be given to  
holders of  
debenture  
stock.

45. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock may then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

Company may  
appoint an  
agent in  
England for  
certain  
purposes.



Debenture stock not transferable in less amount than £100 sterling.

Power to make regulations for transfer, etc. of stock.

46. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

47. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being inconsistent with this Act, and with the Railway Act of Ontario, as altered or modified by this Act, shall be valid and binding.

Company empowered to issue debenture stock and bonds.

48. The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof.

Debenture stock to be personal property.

49. The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate.

Power as to sale and mortgage of debenture stock and bonds.

50. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.

Application of proceeds.

51. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient.

Agreements with other companies.

52. The said company may enter into any agreement with any other railway company or companies, whether subject to the legislative authority of this Province or otherwise, which is or are lawfully empowered to enter into any such agreement for the leasing or working of the said railway on such terms and conditions as the directors of the respective companies may agree upon, or for the construction, partial construction or reconstruction thereof, or for leasing or hiring any locomotives, rolling stock or other property from such companies or persons, and generally to make any agreement or agreements with any other company or companies touching the use, by one or the other company, or by both companies, of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and such agreement shall be valid and binding, according to the law and tenor thereof: Provided that assent be given thereto by at least two-thirds of the shareholders present or represented by proxy at any meeting specially called for the purpose, according to the by-laws of the company; and the company or companies leasing or entering into such agreement for using or working the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own railway,

Proviso.



and with the same rights, powers and privileges as they possess in respect thereof ; and provided this section shall not be construed as conferring power upon any other company to enter into agreements as aforesaid unless such company has such  
 5 power under the Act of incorporation, or other Acts relating to such company ; and provided also that this section shall not be construed as authorizing, and the said company shall not enter into an agreement, as aforesaid, with the Great Western Railway Company unless with the consent of the Lieutenant-  
 10 Governor in Council ; and the said company shall have power to make running arrangements with any railway lines in the Province of Ontario, situate near the line hereby authorized to be constructed, or crossing, or connecting with the same, upon terms to be approved by two-thirds of the shareholders  
 15 at a special general meeting to be held for that purpose, in accordance with this Act.

**53.** The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges,  
 20 and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the  
 25 working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or  
 30 barges, as the directors shall from time to time think proper.

Power to build, etc., and dispose of vessels.

**54.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same  
 35 lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges.

**55.** The said railway shall be commenced within three years and completed within five years after the passing of this Act ; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commencement and completion.

## SCHEDULE A.

(Section 9.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of dollars paid to me (or us) by the Toronto, Hamilton and Buffalo Railway Company, do grant and convey (or release) unto the said company all that (or those) certain parcel or tract of land situate [*insert description of property*], the same having been selected by the said company for the purposes of their railway, to hold the same unto the said the Toronto, Hamilton and Buffalo Railway Company, their successors and assigns, and to their use forever (or as the case may be) [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in presence of }

[L.S.]



1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to incorporate the Toronto, Hamilton  
and Buffalo Railway Company.

1st Reading,	1884.
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(PRIVATE BILL.)

Mr. GOULD

TORONTO :

PRINTED BY O. E. ROBINSON, JORDAN STREET.



An Act to incorporate the Toronto, Hamilton and  
Buffalo Railway Company.

WHEREAS the construction of a railway, as hereinafter Preamble.  
authorized, is desirable for the public interest and  
benefit of the portions of the Province of Ontario, through or  
near which the same is intended to pass, and Alfred Gooder-  
15 ham, John Turner, William Henry Beatty, Duncan Coulson,  
Thomas Gibbs Blackstock, John Leys, William J. Copp and  
J. M. Williams have petitioned for an Act to incorporate a  
company for the purpose of constructing such railway, and it  
is expedient to grant the prayer of the said petition ;  
10 Therefore Her Majesty, by and with the advice and consent  
of the Legislature of the Province of Ontario, enacts as  
follows :—

1. The said Alfred Gooderham, John Turner, William Henry Incorporation.  
Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys,  
15 William J. Copp and J. M. Williams, together with such other  
persons and corporations as shall become shareholders of the  
company hereby incorporated, are hereby constituted and de-  
clared to be a body corporate and politic, by the name of "The  
Toronto, Hamilton and Buffalo Railway Company."

2. The said company shall have full power to construct a Gauge and  
location of  
line.  
railway of a gauge of four feet eight and a-half inches, from  
a point in or near the city of Toronto to a point in or near the  
city of Hamilton, and thence to some point at or near the  
International Bridge, or Cantilever Bridge, on the Niagara  
25 River, and with full power to pass over any portion of the  
country between the points aforesaid, and to carry the said  
railway through the Crown lands, if any, lying between the  
points aforesaid.

3. The said company is hereby authorized and empowered Construction  
in sections of  
not less than  
ten miles  
authorized.  
30 to take and make the surveys and levels of the lands through  
which the said railway is to pass, together with the map or  
plan thereof, and of its course and direction, and of the lands  
intended to be passed over and taken therefor, so far as then  
ascertained, and also the book of reference for the railway,  
35 and to deposit the same as required by the clauses of the Rail-  
way Act of Ontario and amendments thereto, with respect to  
"plans and surveys" by sections or portions less than the length  
of the whole railway authorized of such length as the said  
company may from time to time see fit, so that no one of such  
40 sections or portions shall be less than ten miles in length, and  
upon such deposit as aforesaid of the map or plan and book of  
reference of any and each of such sections or portions of the

said railway, all and every of the clauses of the said Railway Act of Ontario and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act of Ontario and the amendments thereof, with respect to "plans and surveys."

Power to  
acquire land  
for gravel pits,  
etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining *such* materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits,  
etc.

5. When gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to purchase whole lots in certain cases.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and at the city of Hamilton, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portion thereof, in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to take land for building elevators, etc., and to use streams.

8. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

Proviso.

9. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, and such conveyances may be registered in such manner as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates.

Form of conveyances.

10. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

11. From and after the passing of this Act the said Alfred Gooderham, John Turner, William Henry Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys, William J.

Provisional directors and their powers.



Copp and J. M. Williams shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more 5 than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter pro- 10 vided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the Railway Act of Ontario, and any other law in force in Ontario, are vested in such boards. 15

Capital.

**12.** The capital of the said company shall be one million dollars (with power to increase the same in manner provided by the Railway Act of Ontario), to be divided into ten thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in 20 such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such 25 money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works, may pay out of 30 the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock. 35

Power of directors to exclude persons from subscribing for stock.

**13.** The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from pro- 40 ceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the further- 45 ance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent. to be paid at time of subscription.

**14.** On the subscription for shares of the said capital stock 50 each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the said com- 55 pany.



15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided in the Railway Act of Ontario.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

17. The said provisional directors or the elected directors may pay or agree to pay in and issue therefor stock as fully paid up, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling-stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling-stock: Provided that if such promoters or other persons be provisional or elected directors of the company, such payment or agreement shall not be made unless the same be sanctioned by a vote of the shareholders at any general meeting, and any agreement so made shall be binding on the company.

18. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the city of Toronto, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

19. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the cities of Toronto and Hamilton, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to

be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual  
meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the cities of Toronto and Hamilton respectively. 5 10

Special  
meetings.

22. Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Votes.

23. Every holder of one or more shares of the said capital 15 stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the 20 day appointed for such meeting.

Representa-  
tion of stock  
held by  
corporations.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled 25 equally with other shareholders to vote by proxy.

Qualification  
of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. 30

Rights of  
aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible 35 to office as directors of the said company.

Company may  
appoint agents  
in England  
and in New  
York.

27. The directors of the company may, subject to the rules and regulations from time to time to be made by the directors respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the 40 State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same 45 manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip cer- 50

tificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

28. Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of the Railway Act of Ontario, as altered or modified by this Act, shall be valid and binding.

Transfers in  
England or  
United States,  
how made.

29. At all meetings of the board of directors four shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

Quorum of  
directors and  
appointment  
of a paid  
director.

30. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Delegation of  
power by  
directors.

31. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided that no such contract in which a shareholder or director of the company shall be a contractor, shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
contract for  
construction  
and equipment  
of line.

Proviso.

32. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic,

Aid to  
company.



who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

5

Grants of land from municipalities, etc., authorized.

**33.** Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from taxation.

**34.** The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities may authorize the company to make their road on highways.

**35.** Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Issue of bonds.

**36.** The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a



- mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of *two million* dollars; and provided that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualification for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.
- 37.** Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.
- 38.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.
- 39.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.
- 40.** Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively

Proviso.

Proviso.

Proviso.

Bonds, etc., to be personal property, and transferable by delivery.

Power to mortgage bonds.

Power to become parties to promissory notes, etc.

Proviso.

Registration of debenture stock.

entitled, and the said company may also open registers for the same purpose in Great Britain.

Certificates to be given to holders of debenture stock.

41. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Company may appoint an agent in England for certain purposes.

42. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock may then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

Debenture stock not transferable in less amount than £100 sterling.

43. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Power to make regulations for transfer, etc. of stock.

44. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being inconsistent with this Act, and with the Railway Act of Ontario, as altered or modified by this Act, shall be valid and binding.

Company empowered to issue debenture stock and bonds.

45. The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof.

- 46.** The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate. Debenture stock to be personal property.
- 47.** The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company. Power as to sale and mortgage of debenture stock and bonds.
- 48.** The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient. Application of proceeds.
- 49.** The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges, and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or barges, as the directors shall from time to time think proper. Power to build, etc., and dispose of vessels.
- 50.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges.
- 51.** The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion.
- 52.** It shall not be lawful for the said company to amalgamate with or lease or sell to or make pooling arrangements with any other railway company. Amalgamation with any other company forbidden.



## SCHEDULE A.

(Section 9.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of dollars paid to me (or us) by the Toronto, Hamilton and Buffalo Railway Company, do grant and convey (or release) unto the said company all that (or those) certain parcel or tract of land situate [*insert description of property*], the same having been selected by the said company for the purposes of their railway, to hold the same unto the said the Toronto, Hamilton and Buffalo Railway Company, their successors and assigns, and to their use forever (or as the case may be) [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this                      day of                      one thousand eight hundred and

Signed, sealed and delivered }  
in presence of }

[L.S.]

No. 22.

1st Session, 5th Legislature, 47 Vic. 1884.

## BILL.

An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company.

(Reprinted as amended.)

First Reading, 14th February, 1884.

(PRIVATE BILL.)

Mr. GOULD.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to authorize the Township of Colchester South to borrow certain moneys.

**W**HEREAS the corporation of the township of Colchester South, by their petition, have represented that they have incurred debts and liabilities for the construction of drains to the amount of thirty thousand dollars, which sum is secured by the debentures of the corporation; and they have also incurred other liabilities to the amount of ten thousand dollars; that the redemption of the said debentures and the payment of the other liabilities at the same time would be oppressive to the ratepayers, and have therefore prayed that they may be authorized to issue debentures for the purpose of providing funds to meet said last mentioned liability of ten thousand dollars; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay the said present liabilities of ten thousand dollars, mentioned in the preamble to this Act, it shall and may be lawful to and for the said corporation of the township of Colchester South to raise by way of loan, upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum of money not exceeding ten thousand dollars of the lawful money of Canada.

Power to borrow sum of \$10,000.

2. It shall and may be lawful for the said corporation of the township of Colchester South to pass a by-law or by-laws authorizing the said loan of ten thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Special Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal when the same shall fall due, of the said debentures last mentioned.

Authority to pass by-law for issue of debentures.

3. It shall not be necessary to obtain the assent of the electors of the said township of Colchester South to the pass-

Assent of electors to by-law not required.

ing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act."

Issue of debentures to the amount of \$10,000 authorized.

4. It shall and may be lawful for the municipal council of the said corporation of the township of Colchester South, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the reeve and countersigned by the treasurer and clerk of the said township for the time being, for such sums, not exceeding in the whole the said sum of ten thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum. 5 10

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, with the interest accruing thereon, may be made payable either in this Province or elsewhere as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for fifteen years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 15 20

Application of proceeds of debentures.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of ten thousand dollars specially mentioned in the preamble to this Act, and not otherwise, and shall for that purpose be deposited, until required, in the agency of a chartered bank of Canada, at the town of Windsor, or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or Government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required, from time to time, for the payment of the said debts and liabilities so amounting, as aforesaid, to ten thousand dollars, or some part thereof, and not otherwise. 25 30 35

Outstanding debts may be discharged.

7. The treasurer of the said township, on receiving instructions from the said council so to do, from time to time, shall discharge and satisfy the said debts of ten thousand dollars with the funds raised under this Act. 40

By-law authorizing loan not to be repealed until debt satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied. 45

Inconsistent provisions in Municipal Act not to apply.

9. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to 50

Irregularity not to render

be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

**10.** Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Colchester South from any indebtedness or liability which may not be included in the said debt of ten thousand dollars.

1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to authorize the Township of Colchester South to borrow certain moneys.

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1st Reading,

1884.

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(*PRIVATE BILL*).

Mr. BALFOUR.

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TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET.



An Act to amend and consolidate the Acts respecting the Napanee River Improvement Company.

**W**HEREAS the Napanee River Improvement Company have Preamble.  
petitioned for the amendment of the Acts relating to  
their incorporation and the powers granted to said company,  
5 and for the consolidation of said Acts, and that the said com-  
pany may have power to appoint an assessor or assessors, and  
to sue for assessments payable to the said company, and  
may be empowered to acquire certain property and to make  
by-laws for improving and regulating the water supply of the  
10 Napanee River; and whereas it is expedient to grant the  
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

15 1. All persons now owning or who may hereafter own any Incorporation.  
mill situated on the Napanee River or its tributaries, or who  
use, or shall hereafter use, the waters thereof for mechanical  
or manufacturing purposes, and the tenants for the time being  
of any such owner or person entitled to use the said waters  
20 for mechanical purposes, shall be, and the same are declared to  
be, a body corporate, under the name of "The Napanee River  
Improvement Company," and such persons shall be deemed  
the members thereof.

2. The said company is incorporated for the purpose of Objects of  
25 acquiring any millpond, lake, reservoir, or other source of company.  
water supply, for the extension or improvement of any such  
source of supply, for the erection or improvement of mill-  
dams, and for regulating the use of the supply obtainable from  
any such pond, lake or reservoir, or other source of supply  
30 acquired by the company along the course of the Napanee  
River and its tributaries and sources.

3. The said company shall have power to acquire, by lease Power to ac-  
or in fee simple, any lands, tenements and hereditaments, quire land.  
which may be useful or necessary for the purposes of such  
35 corporation, and such property, and the materials from time to  
time provided for constructing, maintaining, or repairing the  
same, together with all property and rights heretofore acquired  
by the said Napanee River Improvement Company, shall be  
vested in the company hereby incorporated, and their succes-  
40 sors.

4. The company is hereby constituted the conservator of Powers for  
the water supply of said river and of the reservoirs, lakes, preservation

of water supply.

ponds, and tributaries connected therewith, for hydraulic purposes, and shall have in any court of competent jurisdiction the same rights as an individual riparian proprietor or tenant against another riparian occupant to sue for the restraint of any act, or to restrain the maintenance of any mill site or mill in a condition whereby the water supply of said river, or of any of the said reservoirs, lakes, ponds or tributaries, or whereby the head of water at any point along the river is injuriously affected; but the company shall not be bound hereby to prosecute any action for such wrongful or injurious act, and the remedy to be granted to the company shall be in the nature of an injunction only with costs in the discretion of the court, except in the case of injury to the works or any of them belonging to the company, in which case they shall be entitled to all the remedies of private proprietors; and any injunction awarded in favour of the company shall be no bar to the recovery of damages by any person injuriously affected by the same wrongful act, and such person may join in any suit brought by the company for recovering his damages.

Power to sell property.

5. The company is authorized to sell or demise any property acquired under the authority of this Act, and any such sale or demise may be made subject to such conditions and covenants as to user of the property as may be deemed necessary for the company's purposes.

Votes.

6. Every tenant or occupant of a mill, and every person using the water of the said river or any of the tributaries thereof, for mechanical or manufacturing purposes, shall be entitled to one vote for every one hundred dollars of the assessed value of such mill or right to use said water, and no person shall be entitled to vote in respect of such assessed value until all rates and assessments, and any arrears thereof, made pursuant to this or the prior Acts of incorporation, shall be fully paid; and where such rate or assessment shall be paid by a tenant or occupant, no other person shall be entitled to vote in respect of the property assessed, and any two members of a board of directors, delegated by them on behalf of any joint stock manufacturing company, may vote on their behalf and be eligible for election as directors.

Directors.

7. The business of the company shall be managed for the remainder of the current year by the directors elected at the last annual meeting, and from and after the next annual meeting, to be holden on the second Tuesday in January in each year, by five directors to be chosen by a majority of the members present entitled to vote thereat.

Existing by-laws continued in force.

8. The by-laws heretofore in force shall so continue until the next annual meeting, unless in the meantime the directors shall, at a meeting to be summoned by notice mailed or delivered to each member of the company two weeks previous thereto, submit to the said members the by-laws in lieu thereof, which the company may under the next section enact; and no by-law, or any repeal or amendments thereof, shall have any force or effect unless adopted by a majority of votes in a meeting of the members of the company summoned to consider the same by notice mailed or delivered two weeks previous thereto.

9. The company may make by-laws :

Power to make  
by-laws.

(1) For regulating the qualification of directors, the constitution and duties of said board or a quorum thereof, the election of a president, the time and place of meetings of the board, the payment of fees and mileages to the directors ;

(2) For prescribing the duties of all officers of the company ;

(3) For regulating the time for the yearly assessment, for fixing the rate to be levied thereupon and the time for its collection, and for establishing the procedure as to notices of assessment and appeal, and in all other matters relating thereto ;

(4) For raising money for any permanent work by the issue of debentures payable by instalments, or at the expiry of a term of years ; for the formation of a sinking fund when necessary for the payment of the same, subject to the provisions of the eighteenth section of this Act ;

(5) For the management of the water supply and the control of the company's works : Provided that no such by-law shall affect or authorize the company to interfere with any right not belonging to or vested in the company.

10. The said company shall have the right to enter upon any lands they may deem necessary to be examined, and to procure an examination and survey of the same, doing no unnecessary damage, and paying for the actual damage done, if any ; and, for the purpose of acquiring such lands, and determining the compensation to be paid therefor, shall be entitled to proceed in every respect in the manner directed by chapter one hundred and fourteen of the Revised Statutes of Ontario.

Power to enter  
on laws.

11. Notwithstanding anything contained in said Act respecting *Water Privileges*, the company may acquire, under the proceedings mentioned in said Act, any area of land which they may reasonably deem necessary, for the purposes of the company, and may acquire, with the consent of the owners, any existing mill privileges or dams, or may enter into any agreement with the owners for the regulation of the use of any dam or mill privilege for the purposes of the company.

Restrictions  
imposed by  
R. S. O. c. 114  
modified.

12. The company shall appoint an assessor or assessors, not exceeding three, who are empowered to assess the several mills and water privileges on the Napanee River and its tributaries, at their actual cash value as going concerns, but shall omit from assessment any part of a mill or machinery not driven by water power during some portion of the year ; and where any storeroom or warehouse forms a distinct part of a mill or manufacturing property the assessor or assessors shall omit from the assessment the value of such storeroom or warehouse.

Appointment  
of assessors  
and mode of  
assessment.

13. Any member shall have the right of appeal as well against the assessment of another member in the first instance to the board of directors at a meeting for hearing appeals, on the first Wednesday in May of every year, and the decision of the said directors, or a majority of them, may be increased, confirmed or reduced on appeal to the judge of the County Court within whose jurisdiction the assessed property shall be situate, and the said judge shall hear and determine such appeals,

Appeals  
against assess-  
ment.



after notice thereof to the secretary of the company in the manner required in case of appeal from municipal assessments, and such judge may fix the time and place for hearing such appeal, and may confirm, increase or diminish the assessment, and his decision shall be final.

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Judge's fees.

14. There shall be paid to the judge for hearing and determining said appeal a fee of not less than two or more than four dollars, to be taxed against the unsuccessful party, with the cost of attendance of witnesses and the parties or their agents, on the scale of Division Court costs.

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Annual rate.

15. There shall be levied upon the assessment of the said mills and mill privileges an annual rate not exceeding two cents in the dollar, which may be recovered by the company against the tenants, occupants, or owners of said mills or mill privileges in any Division Court, or other court of jurisdiction competent to deal with the amount of the rate so levied, or in default of payment, the amount of such rate may be collected in the same manner as rents, by distress warrant signed by the president of the company; and in default of payment there shall be a charge or lien for such rates upon the assessed property with interest from the time when the same shall have become due.

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Enforcing  
payment of  
rate.

16. The company may, at any time after one month from the date appointed by them for payment of said rates, proceed in the Chancery Division of the High Court of Justice to have the lien or charge for any rate or portion of any rate in arrear enforced against the assessed property by sale thereof in such manner as the court shall deem proper to direct, and no objection shall be taken to the proceedings thereupon by reason that the amount claimed is less than that for which suits have been allowed to be brought in said court.

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Contracts etc.,  
to bind com-  
pany.

17. All contracts, promissory notes and engagements made on behalf of the company by the directors and signed by the president, in accordance with the by-laws, or any vote of the company, shall be binding on the company; and the directors are authorized to borrow for the use of the company on the promissory note or notes of the president any sum not exceeding two thousand dollars, but shall not issue any note intended to circulate as money.

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Limitations  
as to incurring  
indebtedness.

18. No debt or expenditure exceeding the sum of two thousand dollars shall be incurred without the assent of the members assessed for two-thirds of the property represented at a meeting of the company to be called for consideration of such debt or expenditure, and the whole debt incurred shall not exceed such amount as can be paid in twenty years by the assessment of an annual rate of two cents in the dollar upon the property of the members of the company assessable under this Act. The company may, within the limits hereby authorized and subject to the aforesaid approval, issue debentures, in sums not less than one hundred dollars, with coupons annexed, for the payment of interest at eight per centum, or less, attested with the seal of the company, and signed by the president and the secretary-treasurer; and such debentures shall constitute a first charge upon the rates of the company.

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- 19.** The Act of the Parliament of the Province of Canada <sup>Repeal.</sup> passed in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, chaptered eighty-four, intituled "An Act for the Improvement of the Napanee River,"—excepting the eighth and ninth sections thereof, and the provisions of chapter eighty-eight of the Consolidated Statutes of Canada therewith incorporated,—and the Act of the Legislature of the Province of Ontario passed in the thirty-fourth year of Her Majesty's reign, chaptered seventy-four, intituled
- 5 "An Act to amend the Act incorporating the Napanee River Improvement Company," are hereby repealed, except as to any
- 10 act, matter, or thing commenced, undertaken, or done by virtue of said Acts in respect of which the same are to continue in force.
- 15 **20.** This Act may be cited as "The Napanee River Improvement Company's Act, 1884." <sup>Mode of citation.</sup>

1st Session, 5th Parliament, 47 Vic, 1884.

BILL.

An Act to amend and consolidate the Acts  
respecting the Napanee River Improve-  
ment Company.

1st Reading,	1884.
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(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to amend and consolidate the Acts respecting the Napanee River Improvement Company.

WHEREAS the Napanee River Improvement Company have Preamble.  
petitioned for the amendment of the Acts relating to  
their incorporation and the powers granted to said company ;  
and whereas it is expedient to grant the prayer of the said  
petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. *Save as otherwise provided in this Act*, the said the Power to enter  
on lands.  
Napanee River Improvement Company, shall have the right to  
enter upon any lands they may deem necessary to be examined,  
and to procure an examination and survey of the same, doing no  
unnecessary damage, and paying for the actual damage done, if  
any ; and, for the purpose of acquiring such lands, and deter-  
mining the compensation to be paid therefor, shall be entitled  
to proceed in every respect in the manner directed by chapter  
one hundred and fourteen of the Revised Statutes of Ontario.

2. Notwithstanding anything contained in said *Act re-* Restrictions  
imposed by  
R. S. O. c. 114  
modified.  
*specting Water Privileges*, the company may acquire, under  
the proceedings mentioned in said Act, any area of land which  
may be necessary for the purposes of the company, and may  
acquire, with the consent of the owners, any existing mill  
privileges or dams, or may enter into any agreement with the  
owners for the regulation of the use of any dam or mill privilege  
for the purposes of the company.

3. The members of the company at the regular annual Appointment  
of assessors  
and mode of  
assessment.  
meeting of the company shall appoint an assessor or assess-  
ors, not exceeding three, who are empowered to assess the several  
mills and water privileges on the Napanee River and its tribu-  
taries, that have used the waters of the said river or its tri-  
butaries, between the fifteenth day of June and the first day  
of December of the previous year, at their actual cash value  
as going concerns, but shall omit from assessment any part of  
a mill or machinery not driven by water power during some  
portion of the year ; and any storeroom or warehouse *not being*  
part of a mill or manufacturing property, *shall also be omitted*  
from the assessment.

4. Any member of the company shall have the right of Appeals  
against assess-  
ment.  
appeal as well against *his own assessment* as the assessment  
of another member in the first instance to the board of direc-  
tors at a meeting for hearing appeals, on the first Wednesday

in May of every year, and the decision of the said directors, or a majority of them, *shall be final, subject to any such assessment being* increased, confirmed or reduced on appeal *from the decision of the said board* to the judge of the County Court within whose jurisdiction the assessed property shall be situate, and the said judge shall hear and determine such appeals, after notice thereof to the secretary of the company in the manner required in case of appeal from municipal assessments, and such judge may fix the time and place for hearing such appeal, and may confirm, increase or diminish the assessment, and his decision shall be final. 5 10

Judge's fees.

5. There shall be paid to the judge for hearing and determining said appeal a fee of four dollars, to be taxed against the unsuccessful party, with the cost of attendance of witnesses and the parties or their agents, on the scale of Division Court costs. 15

Annual rate.

6. Subject to the other provisions and exceptions contained in this Act, there shall be levied *by way of* assessment of the said mills and mill privileges an annual rate not exceeding two cents in the dollar, which may, on the lapse of fourteen days after demand in writing has been made for the payment thereof, be recovered by the company from the tenants, occupants, or owners of said mills or mill privileges, *as the case may be*, in any Division Court, or other court of jurisdiction competent to deal with the amount of the rate so levied, or in default of payment, the amount of such rate may be collected in the same manner as rents, by distress warrant signed by the president of the company; and in default of payment there shall be a charge or lien for such rates upon the assessed property with interest from the time when the same shall have become due. 20 25 30

Enforcing payment of rate.

7. The company may, at any time after *three* months from the making of the demand required by the next preceding section of this Act take proceedings in any court of competent jurisdiction, to have the lien or charge for any rate or portion of any rate in arrear enforced against the assessed property by sale thereof in such manner as the court shall deem proper to direct. 35

Mode of citation.

8. This Act may be cited as "The Napanee River Improvement Company's Act, 1884." 40





110. 42.  

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1st Session, 5th Legislature, 47 Vic., 1884.

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An Act to amend and consolidate the Acts  
respecting the Napanee River Improve-  
ment Company.

*(Reprinted as amended.)*

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First Reading, 15th February, 1884.

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*(PRIVATE BILL.)*

Mr. WILMOT.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Acts respecting the Napanee River Improvement Company.

5 **W**HEREAS the Napanee River Improvement Company have Preamble.  
petitioned for the amendment of the Acts relating to their incorporation and the powers granted to said company ; and whereas it is expedient to grant the prayer of the said petition ;

10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *Save as otherwise provided in this Act*, the said the *Napanee River Improvement Company*, shall have the right to enter upon any lands they may deem necessary to be examined, 20 and to procure an examination and survey of the same, doing no unnecessary damage, and paying for the actual damage done, if any ; and, for the purpose of acquiring such lands, and determining the compensation to be paid therefor, shall be entitled to proceed in every respect in the manner directed by chapter 25 one hundred and fourteen of the Revised Statutes of Ontario. Power to enter on lands.

2. Notwithstanding anything contained in said *Act respecting Water Privileges*, the company may acquire, under the proceedings mentioned in said Act, any area of land which may be necessary for the purposes of the company, and may 30 acquire, with the consent of the owners, any existing mill privileges or dams, or may enter into any agreement with the owners for the regulation of the use of any dam or mill privilege for the purposes of the company. Restrictions imposed by R. S. O. c. 114 modified.

3. The members of the company at a special meeting, Appointment of assessors and mode of assessment.  
35 which shall be held within one month from the passing of this Act, of which due notice shall be given by the directors, and thereafter at the regular annual meeting of the company shall appoint an assessor or assessors, not exceeding three, who are empowered to assess the several mills 40 and water privileges on the Napanee River and its tributaries, that have used the waters of the said river or its tributaries, between the fifteenth day of June and the first day of December of the previous year, at their actual cash value as going concerns, but shall omit from assessment any part of 45 a mill or machinery not driven by water power during some portion of the year ; and any storeroom or warehouse not being part of a mill or manufacturing property, shall also be omitted from the assessment, provided, that in the appointment of assessors no member shall be entitled to more than one 50 vote.

Appeals  
against assess-  
ment.

4. Any member of the company shall have the right of appeal as well against *his own assessment* as the assessment of another member in the first instance to the board of directors at a meeting for hearing appeals, on the first Wednesday in May of every year, and the decision of the said directors, or a majority of them, *shall be final, subject to any such assessment being* increased, confirmed or reduced on appeal *from the decision of the said board* to the judge of the County Court within whose jurisdiction the assessed property shall be situate, and the said judge shall hear and determine such appeals, after notice thereof to the secretary of the company in the manner required in case of appeal from municipal assessments, and such judge may fix the time and place for hearing such appeal, and may confirm, increase or diminish the assessment, and his decision shall be final.

Judge's fees.

5. There shall be paid to the judge for hearing and determining said appeal a fee of four dollars, to be taxed against the unsuccessful party, with the cost of attendance of witnesses and the parties or their agents, on the scale of Division Court costs.

Annual rate.

6. Subject to the other provisions and exceptions contained in this Act, there shall be levied *by way of* assessment of the said mills and mill privileges an annual rate not exceeding two cents in the dollar, which may, on the lapse of fourteen days after demand in writing has been made for the payment thereof, be recovered by the company from the tenants, occupants, or owners of said mills or mill privileges, *as the case may be*, in any Division Court, or other court of jurisdiction competent to deal with the amount of the rate so levied, or in default of payment, the amount of such rate may be collected in the same manner as rents, by distress warrant signed by the president of the company; and in default of payment there shall be a charge or lien for such rates upon the assessed property with interest from the time when the same shall have become due; but no charge or lien for such rates shall continue in force unless within thirty days after the expiration of the said fourteen days a certificate under the seal of the Company be registered in the Registry Office of the county in which the property to which the assessment relates is situate, which certificate shall set forth the amount of such rates and a description of the assessed property charged therewith, and upon payment or discharge of the said rates a certificate of such payment or discharge, under the seal of the Company, shall in like manner be registered, and for registering each such certificate the registrar shall be entitled to a fee of twenty-five cents.


Enforcing  
payment of  
rate.



7. The company may, at any time after *three* months from the making of the demand required by the next preceding section of this Act take proceedings in any court of competent jurisdiction, to have the lien or charge for any rate or portion of any rate in arrear enforced against the assessed property by sale thereof in such manner as the court shall deem proper to direct.

Power to sell  
property.

8. The Company is authorized to sell or demise any of its property acquired under the authority of this Act, and any



such sale or demise may be made subject to such conditions and covenants as to use of the property as may be deemed necessary for the Company's purposes. 

9.  The Provisions of the Act of the Parliament of *Canada*, <sup>Repeal.</sup>  
 5 passed in the 29th and 30th years of the reign of Her Majesty  
 Queen *Victoria*, chaptered 84, intituled "*An Act for the Im-*  
*provement of the Napanee River*," and the provisions of the Act  
 of the Legislature of the Province of *Ontario*, passed in the  
 34th year of her Majesty's reign, intituled "*An Act to amend*  
 10 *the Act Incorporating the Napanee River Improvement Com-*  
*pany*," which are inconsistent with the provisions of this Act,  
 are hereby repealed. 

10. This Act may be cited as "The Napanee River Im- <sup>Mode of</sup>  
 provement Company's Act, 1884." <sup>citation.</sup>

1st Session, 5th Legislature, 47 Vic., 1884.

An Act to amend the Acts respecting the  
Napanee River Improvement Company.

*(Reprinted as amended.)*

First Reading,	15th February,	1884.
Second     "	29th             "	1884.

*(PRIVATE BILL.)*

Mr. WILMOT.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the St. Catharines and Niagara Central  
Railway Company.

**W**HEREAS the St. Catharines and Niagara Central Railway Company have, by their petition, prayed for an Act to extend the powers of the said company, and to declare valid the By-law of the City of St. Catharines, passed to aid the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10    **1.** Section 35 of the Act incorporating the said company, <sup>44 V. c. 73, s. 35 amended.</sup>  
passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-three, is hereby amended by striking out the words "Ten thousand dollars," where they occur in the said section, and substituting the words "Twenty thousand dollars"   
15 therefor.

**2.** The By-law of the City of St. Catharines, numbered 354, <sup>By-law 354 of City of St. Catharines confirmed.</sup>  
intituled "A By-law to raise the sum of \$80,000, and to issue debentures therefor for the purpose of aiding the St. Catharines and Niagara Central Railway Company in the construction of   
20 their road," and all debentures issued or that may hereafter be issued under the said By-law, are hereby declared legal, binding and valid, any law or statute to the contrary notwithstanding; and the said debentures shall be deposited by the said City of St. Catharines in the hands of the trustees appointed under   
25 the said By-law, to be held by them, to be handed over to the said railway company, upon the terms of the resolution of the Council of the City of St. Catharines, passed on the fifth day of December, 1883, and the agreement of the said company in accordance therewith in aid of the works and undertaking of   
30 the said railway.

**3.** Section 28 of the said Act is amended by adding the words "and school" after the word "municipal" in the fifth line, and all By-laws of municipal corporations already passed, or hereafter to be passed, granting aid to the railway company   
35 by exemption from payment of taxes, and by the use of highways for the purposes of the railway, shall be valid and binding on those municipalities. <sup>44 V. c. 73, s. 28 amended. Municipal By-laws in aid of railway confirmed.</sup>

**4.** Section 34 of the said Act is amended by striking out all that portion from the beginning of the said section to the word   
40 "and" in the eighth line thereof, and substituting the following <sup>Section 34 amended.</sup>

therefor: "The council of any municipality through which the railway may pass is empowered to grant aid towards the construction or operation of the railway by way of gift, or otherwise, of any lands belonging to such municipality which may be required for right of way, sidings, station grounds, or other purposes, and for any such purposes shall have power to accept gifts of land or the value thereof in money, and also to acquire lands in the manner prescribed by the Municipal Act for opening or widening roads, streets, or squares, and the said company shall have power to accept such aid from any municipality, government or body, politic or corporate, or person.





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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act respecting the St. Catharines  
and Niagara Central Railway Company.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

MR. NEELON.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the St. Catharines and Niagara Central  
Railway Company.

**W**HEREAS the St. Catharines and Niagara Central Railway Company have, by their petition, prayed for an Act to extend the powers of the said company, and to declare valid the By-law of the City of St. Catharines, passed to aid the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition; Preamble.



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—


10    1. Section 35 of the Act incorporating the said company, <sup>44 V. c. 73, s. 35 amended.</sup> passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-three, is hereby amended by striking out the words "Ten thousand dollars," where they occur in the said section, and substituting the words "Twenty thousand dollars"


15 therefor.


2. The By-law of the City of St. Catharines, numbered 354, <sup>By-law 354 of City of St. Catharines confirmed.</sup> intituled "A By-law to raise the sum of \$80,000, and to issue debentures therefor for the purpose of aiding the St. Catharines and Niagara Central Railway Company in the construction of their road," and all debentures issued or that may hereafter be issued under the said By-law, are hereby declared legal, binding and valid, any law or statute to the contrary notwithstanding; and the said debentures shall be deposited by the said City of St. Catharines in the hands of the trustees appointed under

25 the said By-law, to be held by them, to be handed over to the said railway company, upon the terms of the resolution of the Council of the City of St. Catharines, passed on the fifth day of December, 1883, and the agreement of the said company in accordance therewith in aid of the works and undertaking of


30 the said railway,  which resolution and agreement are hereby declared to be legal and binding upon the said City of St. Catharines, and upon the said railway company. 



 (2) Provided always that section number two of this Act shall not be binding without the assent of the electors of



35 the said City of St. Catharines who would be entitled to vote on the original by-law, which assent shall be ascertained as follows, that is to say, 



 (3) The Council of the said City shall, by resolution, fix the day and hour for taking the votes of the electors and such



40 places in the said City as the Council shall, in their discretion, deem best for the purpose; and the said resolution shall name a deputy returning officer to take the votes at every such place,

and the day fixed for taking the votes shall not be less than three or more than five weeks after the passing of this Act. 



 (4) The Council shall give notice of the time and place so fixed for the taking of such votes in some public newspaper published within the municipality. 

 (5) The proceedings in taking such votes shall be, as far as applicable, as provided by sections 295 to 324 inclusive of the Consolidated Municipal Act of 1883. 



 (6) A majority of the total votes cast shall be a sufficient assent of the said electors. 

 (7) A certificate of the taking of such vote and its result shall be entered in the minutes of the Council of the said corporation, signed by the mayor and clerk of the said corporation, and shall be capable of proof in the same manner as any by-law of the municipality. 

Preamble of  
44 V. c. 73  
amended.

 3. The words "in the Township of Caistor" in the ninth and tenth lines of the preamble to chapter seventy-three of the Acts passed in the forty-fourth year of Her Majesty's reign, are hereby declared to have been inserted in error in the said preamble; and it is hereby declared that the said company can select any point upon their intended line to start the line of their said road to Hamilton and Toronto. 

Construction  
of branch line  
to Hamilton.

 4. In the construction of the line of the said railway from St. Catharines to Toronto, the said company may approach the City of Hamilton by a spur or branch from a point in the township of Saltfleet. 

No. 25.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the St. Catharines and  
Niagara Central Railway Company.

(Reprinted as amended.)

First Reading, 15th February, 1884.

(PRIVATE BILL.)

MR. NEELON.

TORONTO

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.



An Act respecting the St. Catharines and Niagara Central  
Railway Company.

**W**HEREAS the St. Catharines and Niagara Central Railway Company have, by their petition, prayed for an Act to extend the powers of the said company, and to declare valid the By-law of the City of St. Catharines, passed to aid the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 1. Section 35 of the Act incorporating the said company, passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-three, is hereby amended by striking out the words "Ten thousand dollars," where they occur in the said section, and substituting the words "Twenty thousand dollars" therefor.


44 V. c. 73, s.  
35 amended.



2. The By-law of the City of St. Catharines, numbered 354, intituled "A By-law to raise the sum of \$80,000, and to issue debentures therefor for the purpose of aiding the St. Catharines and Niagara Central Railway Company in the construction of their road," and all debentures issued or that may hereafter be issued under the said By-law, are hereby declared legal, binding and valid, any law or statute to the contrary notwithstanding; and the said debentures shall be deposited by the said City of St. Catharines in the hands of the trustees appointed under the said By-law, to be held by them, to be handed over to the said railway company, upon the terms of the resolution of the Council of the City of St. Catharines, passed on the fifth day of December, 1883, and the agreement of the said company in accordance therewith in aid of the works and undertaking of the said railway, which resolution and agreement are hereby declared to be legal and binding upon the said City of St. Catharines, and upon the said railway company.



By-law 354 of  
City of St.  
Catharines  
confirmed.



(2) Provided always that section number two of this Act shall not be binding without the assent of the electors of the said City of St. Catharines who would be entitled to vote on the original by-law, which assent shall be ascertained as follows, that is to say,



(3) The Council of the said City shall, by resolution, fix the day and hour for taking the votes of the electors and such places in the said City as the Council shall, in their discretion, deem best for the purpose; and the said resolution shall name a deputy returning officer to take the votes at every such place,

and the day fixed for taking the votes shall not be less than three or more than five weeks after the passing of this Act. 



 (4) The Council shall give notice of the time and place so fixed for the taking of such votes in some public newspaper published within the municipality. 

 (5) The proceedings in taking such votes shall be, as far as applicable, as provided by sections 295 to 324 inclusive of the Consolidated Municipal Act of 1883. 



 (6) A majority of the total votes cast shall be a sufficient assent of the said electors. 

 (7) A certificate of the taking of such vote and its result shall be entered in the minutes of the Council of the said corporation, signed by the mayor and clerk of the said corporation, and shall be capable of proof in the same manner as any by-law of the municipality. 



Preamble of  
44 V. c. 73  
amended.

 3. The words "in the Township of Caistor" in the ninth and tenth lines of the preamble to chapter seventy-three of the Acts passed in the forty-fourth year of Her Majesty's reign, are hereby declared to have been inserted in error in the said preamble; and it is hereby declared that the said company can select any point upon their intended line to start the line of their said road to Hamilton and Toronto. 



Construction  
of branch line  
to Hamilton.

 4. In the construction of the line of the said railway from St. Catharines to Toronto, the said company may approach the City of Hamilton by a spur or branch from a point in the township of Saltfleet. 

Company may  
appoint St.  
Catharines in  
the way most  
convenient.

 5. Notwithstanding anything to the contrary contained in the said by-law of the City of St. Catharines, or in the agreements or resolutions referred to in the second section hereof, the said company in the construction of their said line from the point which they may select on the Niagara River, or upon the line of any railway giving connection across the cantilever bridge may approach and enter the said City of St. Catharines at the most convenient point, and by the most convenient route for that purpose in the discretion of the directors of the said company. 

Restriction as  
to amalgama-  
tion, etc.

 6. It shall not be lawful for the said company to amalgamate with or lease or sell to or make pooling arrangements with the Grand Trunk Railway of Canada or the Great Western Railway Company of Canada until the loan made by the City of St. Catharines, mentioned in the second section of this Act, is fully repaid. 



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the St. Catharines and  
Niagara Central Railway Company.

*(Reprinted as amended.)*

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First Reading,	15th February,	1884.
Second "	29th "	1884.

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*(PRIVATE BILL.)*

MR. NELSON.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act respecting the debt of the County of  
Middlesex.

WHEREAS by an Act of the late Province of Canada, Preamble.  
passed in the twenty-fifth year of Her Majesty's reign,  
chapter twenty-eight, intituled "An Act to separate the Town-  
ships of Biddulph and McGillivray from the County of Huron  
5 and to annex the same to the east riding of the County of  
Middlesex;" the said Townships of Biddulph and McGillivray  
were separated from the County of Huron and annexed to the  
County of Middlesex, and by section three of the same Act it  
was declared that the said townships should not be liable for  
10 any portion of the debt of the County of Middlesex, contracted  
or incurred previous to the first day of January, one thousand  
eight hundred and sixty-three; and, whereas, the said debt  
contracted and incurred at the said date has matured, and  
provision was made by an Act of the Province of Ontario,  
15 passed in the forty-second year of the Reign of Her Majesty,  
chapter seventy-four, intituled "An Act to Consolidate the  
debt of the County of Middlesex" to discharge the said indebt-  
edness by the issue of new Debentures; and, whereas, no pro-  
vision is made in the said last mentioned Act to exempt the  
20 Townships of Biddulph and McGillivray from liability for  
that portion of the debt of the County of Middlesex, con-  
tracted or incurred before the said Townships were annexed;  
and, whereas, the corporation of the County of Middlesex,  
hath by its petition prayed that an Act may be passed to  
25 exempt and to make it imperative on the Council of the said  
County of Middlesex, to exempt the Townships of Biddulph  
and McGillivray, the village of Lucan and so much of the  
village of Ailsa Craig, as formerly formed part of the Town-  
ship of McGillivray from all liability for any portion of the  
30 debt of the said County of Middlesex, contracted or incurred  
previous to the first day of January, one thousand eight  
hundred and sixty-three, and it is expedient to grant the  
prayer of the said petition;

Therefore Her Majesty, by and with the advice and  
35 consent of the Legislative Assembly of the Province of  
Ontario enacts as follows:—

1. The Townships of Biddulph and McGillivray, the village  
of Lucan, originally part of the Township of Biddulph, and  
that part of the village of Ailsa Craig, which formerly formed  
40 part of the Township of McGillivray, shall be absolutely  
exempt from any charge or liability, for the payment of any  
portion of the debt of the County of Middlesex, contracted or  
incurred previous to the first day of January, one thousand  
Townships of Biddulph and McGillivray, the village of Lucan and part of the village of Ailsa Craig to be exempt from debt of

County of  
Middlesex  
prior to 1863.

eight hundred and sixty-three, and from the payment of all Bonds and Debentures issued in discharge thereof, or in renewal or substitution therefor.

Amount to  
pay debt in-  
curred prior  
to 1863, to be  
levied on other  
parts of  
County.

2. It shall be lawful and imperative for the Council of the County of Middlesex, to make and levy the amount required 5 to pay the principal and interest of the said indebtedness, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three, of and from the municipalities constituting the County of Middlesex before the said Townships of Biddulph and McGillivray were annexed. 10

No. 26.

1st Session, 5th Legislature, 47 Vic., 1884.

# BILL.

An Act respecting the debt of the County  
of Middlesex.

First Reading, , 1884.

(PRIVATE BILL.)

Mr. WATERS.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the debt of the County of  
Middlesex.

WHEREAS by an Act of the late Province of Canada, Preamble.  
passed in the twenty-fifth year of Her Majesty's reign,  
chapter twenty-eight, intituled "An Act to separate the Town-  
ships of Biddulph and McGillivray from the County of Huron  
5 and to annex the same to the east riding of the County of  
Middlesex;" the said Townships of Biddulph and McGillivray  
were separated from the County of Huron and annexed to the  
County of Middlesex, and by section three of the same Act it  
was declared that the said townships should not be liable for  
10 any portion of the debt of the County of Middlesex, contracted  
or incurred previous to the first day of January, one thousand  
eight hundred and sixty-three; and, whereas, the said debt  
contracted and incurred at the said date has matured, and  
provision was made by an Act of the Province of Ontario,  
15 passed in the forty-second year of the Reign of Her Majesty,  
chapter seventy-four, intituled "An Act to Consolidate the  
debt of the County of Middlesex," to discharge the said indebt-  
edness by the issue of new Debentures; and, whereas, no pro-  
vision is made in the said last mentioned Act to exempt the  
20 Townships of Biddulph and McGillivray from liability for  
that portion of the debt of the County of Middlesex, con-  
tracted or incurred before the said Townships were annexed;  
and, whereas, the corporation of the County of Middlesex  
hath by its petition prayed that an Act may be passed to  
25 exempt and to make it imperative on the Council of the said  
County of Middlesex to exempt, the Townships of Biddulph  
and McGillivray, the village of Lucan and so much of the  
village of Ailsa Craig, as formerly formed part of the Town-  
ship of McGillivray, from all liability for any portion of the  
30 debt of the said County of Middlesex, contracted or incurred  
previous to the first day of January, one thousand eight  
hundred and sixty-three, and it is expedient to grant the  
prayer of the said petition;





Therefore Her Majesty, by and with the advice and  
35 consent of the Legislative Assembly of the Province of  
Ontario enacts as follows:—

1. The Townships of Biddulph and McGillivray, the village  
of Lucan, originally part of the Township of Biddulph, and  
that part of the village of Ailsa Craig, which formerly formed  
40 part of the Township of McGillivray, shall be absolutely  
exempt from any charge or liability, for the payment of any  
portion of the debt of the County of Middlesex, contracted or  
incurred previous to the first day of January, one thousand  
Townships of Biddulph and McGillivray, the village of Lucan and so much of the village of Ailsa Craig to be exempt from debt of

County of  
Middlesex  
prior to 1863.

eight hundred and sixty-three, and from the payment of all Bonds and Debentures issued in discharge thereof, or *to be hereafter issued* in renewal or substitution therefor.

Amount to  
pay debt in-  
curred prior  
to 1863, to be  
levied on other  
parts of  
County.

2. It shall be lawful and imperative for the Council of the County of Middlesex, to make and levy the amount required 5  
to pay the principal and interest of the said indebtedness, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three,  or of any Bonds or Debentures to be issued in renewal thereof or substitution therefor  of and from the municipalities now 10  
constituting the County of Middlesex  except the Townships of Biddulph and McGillivray, the village of Lucan, and so much of the village of Ailsa Craig as lies north of the original boundary line between the Townships of East Williams and McGillivray.  15

## BILL.

An Act respecting the debt of the County  
of Middlesex.

(Reprinted as amended.)

First Reading, 14th February, 1884.

Second Reading, 22nd February, 1884.

(PRIVATE BILL)

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act for the relief of the Venerable Alexander  
Dixon and others.

**W**HEREAS the Venerable Alexander Dixon, of the city of Guelph, Archdeacon of Guelph; Anna Maria Dixon, of the city of Toronto, spinster; Catherine Dixon, of the same place, spinster; Esther Louisa Dixon and Frances Elizabeth Dixon, daughters of the said Alexander Dixon and Laura Beverly Dixon, younger daughter of the said Alexander Dixon, represented by her father and guardian the said Alexander Dixon; Esther Dixon, of the said city of Toronto, spinster; Mary Elizabeth Dixon, of the same place, spinster; Esther Knightly Westmacott, of the village of Moorefield in the county of Wellington, spinster, and Frances Westmacott, of the same place, widow, have by their petition represented that one William Dixon, being desirous of making a certain settlement for the benefit of his sisters, did on or about the first day of January, one thousand eight hundred and fifty-two, by two certain deeds, copies whereof marked respectively A and B are set out in the schedule hereto, convey the lands therein respectively mentioned to the said Alexander Dixon and one William Montagu Westmacott, since deceased, in fee simple upon the trusts and for the intents and purposes therein set out; and that the said William Montagu Westmacott having died, the said lands are now vested in the said Alexander Dixon as surviving trustee; and that the said petitioner Anna Maria Dixon is the Anna Maria Dixon named in the said deed marked A, and the only person at the present time beneficially interested in the lands thereby conveyed, and that she is of the age of about fifty-eight years; and that the said petitioner Catherine Dixon is the Catherine Dixon named in the said deed A, and is the person who would become entitled to an interest in the said lands thereby conveyed in the event of failure of the prior estate created by the said deed, and that she is of the age of about forty-five years; and that the said petitioners the daughters of the said Alexander Dixon are the persons who would successively, according to seniority of age, become entitled to an interest in the said lands conveyed by the said deed A, in the event of the failure of the prior estates created by the said deed, and they are of the ages respectively as follows: the said Esther Louisa Dixon twenty-five years, the said Frances Elizabeth Dixon twenty-two years, and the said Laura Beverly Dixon nineteen years; and that the said Alexander Dixon is the person who would become ultimately entitled to the said lands conveyed by the said deed A in the event of failure of all prior estates thereby created; and that the said petitioner Esther Dixon is the Esther Dixon named in the said deed marked B, and the only person at the present

time beneficially interested in the lands thereby conveyed, and that she is of the age of over fifty-two years; and that the said petitioner Mary Elizabeth Dixon is the Mary Elizabeth Dixon named in the said deed B, and the person who would become entitled to an interest in the lands thereby conveyed 5 in the event of failure of the prior estate created by the said deed, and that she is of the age of about forty years; and that the said petitioner Esther Knightley Westmacott is the only daughter of the said William Montagu Westmacott, and the person who would become entitled to an interest in the said 10 lands conveyed by the said deed B in the event of the failure of the prior estates thereby created, and that she is of the age of about thirty-two years; and that the said petitioner Frances Westmacott is the widow and sole devisee under the will of the said William Montagu Westmacott, and is the person who 15 would become ultimately entitled to the said lands conveyed by the said deed B in the event of failure of all prior estates thereby created; and that by reason of the nature of the trusts and estates created by the said deeds, they the said 20 petitioners are unable to use or enjoy the said lands to advantage or to derive any benefit therefrom, and the same are unproductive, and the said petitioners are unable to keep up and maintain the buildings and improvements thereon, and the same have become deteriorated in value and will continue to 25 deteriorate and fall into decay, and the lands will become subject to arrears of taxes and liable to be sold for payment thereof, unless the said petitioners are empowered to make leases thereof for terms of twenty-one years renewable; and whereas it is expedient to grant the prayer of the said 30 petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
lease.

1. The said Alexander Dixon, his heirs and assigns, trustee 35 or trustees as aforesaid, are hereby declared to have and shall have power from time to time, with the concurrence of the person for the time being beneficially interested in the said lands if such person be under no disability, and in such case then without such concurrence, to grant a lease or leases of the said 40 lands or any part or parts thereof for a term or terms of years not exceeding twenty-one years ensuing the date of any such lease, upon such terms and reserving such rents as he or they may deem reasonable, and with or without a clause or clauses for renewal or for payment for the buildings and improve- 45 ments at the end of any term at the option of the lessor, his heirs and assigns, and any and every such lease shall be binding upon all persons whomsoever claiming or to claim or hereafter become entitled to any estate or interest in the said lands under or by virtue of the said deeds respectively; 50

Proviso.

(2) Provided that any and every such lease shall be approved by a judge or master in Toronto of the Chancery Division of the High Court of Justice upon an application, which may be made to any such judge or master in a summary way. 55

## SCHEDULE A.

This indenture, made the first day of January in the year of our Lord one thousand eight hundred and fifty-two, between William Dixon, of the city of Toronto in the Province of Canada, gentleman, of the first part, and the Reverend Alexander Dixon, of Port Dalhousie, in the county of Lincoln and Province aforesaid, clerk, and William M. Westmacott, of the said city of Toronto, esquire, of the second part, witnesseth that, as well in consideration of the natural love and affection which the said William Dixon hath and beareth towards his sister Anna Maria Dixon, of the said city of Toronto, spinster, as of the sum of five shillings of lawful money of Canada now paid by the said Alexander Dixon and William M. Westmacott to the said William Dixon, the receipt whereof is hereby acknowledged, he, the said William Dixon, doth give and grant unto the said Alexander Dixon and William M. Westmacott, as tenants in common, their heirs and assigns, all and singular that certain piece or parcel of land situate in the city of Toronto aforesaid, containing by admeasurement six thousand square feet, be the same more or less, being composed of part of park lot number six, in the first concession from the bay in the township of York (now in the said city of Toronto), and may be described as the western parts of lots numbers forty-one, forty-two and forty-three on the west side of Jarvis Street, and is butted and bounded as follows, that is to say: Commencing at a point where Mutual Street intersects Gerrard Street, and on the north side of Gerrard Street; thence easterly along the northern boundary of Gerrard Street forty-one feet and eight inches; thence northerly, parallel with Mutual Street, one hundred and forty-four feet to a lane; thence westerly along the lane forty-one feet and eight inches to Mutual Street; thence southerly along Mutual Street one hundred and forty-four feet, more or less, to the place of beginning, together with the right and privilege of occupying so much of the piece of land adjoining on the east the piece or parcel of land hereby conveyed as is at present covered by the eastern part of the brick tenement now erected and being on the piece or parcel of land hereby conveyed (which said eastern part extends into and covers a part of the land adjoining) so long as such tenement remains thereon and no longer, together with the appurtenances to the said piece or parcel of land, tenements, hereditaments and premises belonging; to have and to hold the said lands, tenements, hereditaments and all and singular other the premises hereby granted or intended so to be, with their and every of their appurtenances, unto the said Alexander Dixon and William M. Westmacott, their heirs and assigns for ever, nevertheless to the uses and upon the trusts and to and for the intents and purposes hereinafter declared of and concerning the same, that is to say: upon trust to allow the said Anna Maria Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of the said Anna Maria Dixon shall from time to time (whether covert or sole) be good and effectual receipts and discharges to the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for such sums of money as in such receipts and discharges shall be respectively expressed to be received; and



from and immediately after the decease of the said Anna Maria Dixon upon trust to allow the eldest surviving daughter of the said Anna Maria Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of such daughter shall from time to time (whether covert or sole) be discharges for the sums therein expressed; and from and immediately after the decease of such eldest surviving daughter of the said Anna Maria Dixon upon trust to convey and assure the said piece or parcel of land and premises hereby granted to her eldest surviving daughter (being the granddaughter of the said Anna Maria Dixon), her heirs and assigns, for ever freed and discharged from the said trusts; and in default of such last mentioned issue, upon trust to convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Anna Maria Dixon, her heirs and assigns, for ever freed and discharged from the said trusts: Provided always, firstly, that if the said Anna Maria Dixon shall die without female issue her surviving, or if there be no daughter or granddaughter surviving at the death of her said eldest daughter, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit Catharine Dixon, another of the sisters of the said William Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of the said Catharine Dixon, shall suffer and permit the eldest surviving daughter of the said Catharine Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of such eldest surviving daughter of the said Catharine Dixon, shall convey and assure the said piece or parcel of land and premises to her eldest surviving daughter (being the granddaughter of the said Catharine Dixon), her heirs and assigns for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Catharine Dixon, her heirs and assigns, for ever, freed and discharged from the said trusts; and provided, secondly, that if there be no daughter of the said Catharine Dixon, or if the said Catharine Dixon die before the said Anna Maria Dixon, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit the eldest surviving daughter of the said Alexander Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after her decease shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter of the said daughter of the said Alexander Dixon (being his granddaughter), her heirs and assigns, for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, then from and immediately after the death of the said eldest surviving daughter of the said Alexander Dixon, or if there be no such daughter of the said Alexander Dixon surviving, then from and immediately after the death of the said Anna Maria Dixon shall convey and assure



the said piece or parcel of land and premises to the said Alexander Dixon, his heirs and assigns, for ever, freed and discharged from the said trusts.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

(Signed) WM. DIXON. [L.S.]  
 ALEX'R DIXON, B.A. [L.S.]  
 W. M. WESTMACOTT. [L.S.]

Signed, sealed and delivered }  
 in the presence of  
 (Sgd.) WM. WILLIAMSON. }

---

#### SCHEDULE B.

This indenture, made the first day of January in the year of our Lord one thousand eight hundred and fifty-two, between William Dixon, of the city of Toronto in the Province of Canada, gentleman, of the first part, and the Reverend Alexander Dixon, of Port Dalhousie, in the county of Lincoln and Province aforesaid, clerk, and William M. Westmacott, of the said city of Toronto, esquire, of the second part, witnesseth that, as well in consideration of the natural love and affection which the said William Dixon hath and beareth toward his sister Esther Dixon, of the said city of Toronto, spinster, as of the sum of five shillings of lawful money of Canada now paid by the said Alexander Dixon and William M. Westmacott to the said William Dixon, the receipt whereof is hereby acknowledged, he, the said William Dixon, doth give and grant unto the said Alexander Dixon and William M. Westmacott as tenants in common, their heirs and assigns, all and singular that certain piece or parcel of land situate in the city of Toronto aforesaid, containing by admeasurement six thousand square feet, be the same more or less, being composed of park lot number six, in the first concession from the bay in the township of York (now in the said city of Toronto), and consisting of a part of the western portions of lots numbers forty-one, forty-two and forty-three on the west side of Jarvis Street, and butted and bounded as follows, that is to say: Commencing on the north side of Gerrard Street at the distance on an easterly course of forty-one feet and eight inches from the north-east corner of Gerrard and Mutual Streets; then easterly along Gerrard Street forty-one feet and eight inches; then northerly, parallel with Mutual Street, one hundred and forty-four feet, more or less, to a lane; then westerly along the lane forty-one feet and eight inches; then southerly, parallel to Mutual Street, one hundred and forty-four feet, more or less, to Gerrard Street, the place of beginning; saving and reserving thereout that portion of ground included in the above bounds at present covered by the westernmost house of the two brick dwelling-houses now erected and being partly on the said piece or parcel of land hereby conveyed and partly on the piece or parcel of land next adjoining thereto on the west, so long as such westernmost dwelling-house remains thereon and no longer, together with the appurtenances to the said piece or parcel of land, tenements, hereditaments and premises belong-

ing; to have and to hold the said lands, tenements, hereditaments, and all and singular other the premises hereby granted or intended so to be, with their and every of their appurtenances unto the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for ever; nevertheless to the uses and upon the trusts and to and for the intents and purposes hereinafter declared of and concerning the same, that is to say: upon trust to allow the said Esther Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of the said Esther Dixon shall from time to time (whether covert or sole) be good and effectual receipts and discharges to the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for such sums of money as in such receipts and discharges shall be respectively expressed to be received; and from and immediately after the decease of the said Esther Dixon upon trust to allow the eldest surviving daughter of the said Esther Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life, for her separate use and benefit, and the receipt and receipts in writing of such daughter shall from time to time (whether covert or sole) be discharges for the sums therein expressed; and from and immediately after the decease of such eldest surviving daughter of the said Esther Dixon, upon trust to convey and assure the said piece or parcel of land and premises hereby granted to her eldest surviving daughter (being the granddaughter of the said Esther Dixon), her heirs and assigns, for ever, freed and discharged from the said trusts; and in default of such last mentioned issue, upon trust to convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Esther Dixon, her heirs and assigns, for ever, freed and discharged from the said trusts: provided always, firstly, that if the said Esther Dixon shall die without female issue her surviving, or if there be no daughter or granddaughter surviving at the death of her said eldest daughter, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit Mary Elizabeth Dixon, another of the sisters of the said William Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of the said Mary Elizabeth Dixon shall suffer and permit the eldest surviving daughter of the said Mary Elizabeth Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of such eldest surviving daughter of the said Mary Elizabeth Dixon, shall convey and assure the said piece or parcel of land and premises to her eldest surviving daughter (being the granddaughter of the said Mary Elizabeth Dixon), her heirs and assigns, for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Mary Elizabeth Dixon, her heirs and assigns, for ever, freed and discharged from the said trusts; and provided, secondly, that if there be no daughter of the said Mary Eliza-

beth Dixon, or if the said Mary Elizabeth Dixon die before the said Esther Dixon, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit the eldest surviving daughter of the said William M. Westmacott to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after her decease shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter of the said daughter of the said William M. Westmacott (being his granddaughter), her heirs and assigns, for ever freed and discharged from the said trusts; and if there be no such last mentioned issue, then from and immediately after the death of the said eldest surviving daughter of the said William M. Westmacott; or if there be no such daughter of the said William M. Westmacott surviving, then from and immediately after the death of the said Esther Dixon shall convey and assure the said piece or parcel of land and premises to the said William M. Westmacott, his heirs and assigns, for ever freed and discharged from the said trusts.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

(Signed) WM. DIXON. [L.S.]  
 ALEX'R DIXON, B.A. [L.S.]  
 W. M. WESTMACOTT. [L.S.]

Signed, sealed and delivered }  
 in the presence of }  
 (Sgd.) WM. WILLIAMSON. }

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act for the relief of the Venerable  
Alexander Dixon and others.

First Reading, 1884.

(PRIVATE BILL.)

Mr. MORRIS.

TORONTO :

PRINTED BY C. BLACKETT ROBINSON.



An Act Respecting Churchwardens in the Diocese of Toronto.

WHEREAS doubts have arisen as to the construction of the Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-four, and the Incorporated Synod of the Diocese of Toronto have, by their petition, 5 prayed for an Act to make further provision in the premises; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 The Churchwardens for the time being of any Church in the Diocese of Toronto, in the Province of Ontario, in communion with the Church of England in Canada, elected or appointed under the provisions of the Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-  
 15 four, or of any canon passed by the Incorporated Synod of the Diocese of Toronto, under the powers conferred on such Synod by any Act of the Legislature, shall, whether they be Churchwardens of pewed or of free churches, besides possessing the powers and authorities conferred upon such Churchwardens by  
 20 any Act of the Legislature now in force, be a Corporation with perpetual succession under the name of "The Churchwardens of the Church of \_\_\_\_\_, in the \_\_\_\_\_, to represent the interests of the church of which they are so elected or appointed Churchwardens and of the members thereof, and shall and may sue  
 25 and be sued, answer and be answered unto, in all manner of suits actions and proceedings whatsoever, for and in respect of such churches and churchyards and all matters and things appertaining thereto;

Churchwardens of free as well as of pewed churches to be a corporation.

- Provided always that nothing herein contained shall be so  
 30 construed as to make the provisions of the Church Temporalities Act, as to the renting or sale of pews, apply to free churches so long as they continue free.

Proviso.

BILL.

An Act respecting Churchwardens in the  
Diocese of Toronto.

First Reading,	1884.
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(*PRIVATE BILL.*)

MR. CLARKE (*Toronto*).

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act Respecting Churchwardens in the Diocese of Toronto.

WHEREAS doubts have arisen as to the *sufficiency* of the Preamble.

Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-four, and of the Diocesan and Provincial Synods' Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, and chaptered one hundred and forty-one, and the Incorporated Synod of the Diocese of Toronto have, by their petition, prayed for an Act to make further provision in the premises ; and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The Churchwardens for the time being of any Church in the Diocese of Toronto, in the Province of Ontario, in communion with the Church of England in Canada, elected or appointed under the provisions of the Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-four, or of any canon passed *or to be passed* by the Incorporated Synod of the Diocese of Toronto, under the powers conferred on such Synod by any Act of the Legislature, shall, whether they be Churchwardens of pewed or of free churches, besides possessing the powers and authorities conferred upon such Churchwardens by any Act of the Legislature now in force, be a Corporation with perpetual succession under the name of "The Churchwardens of the Church of \_\_\_\_\_, in the \_\_\_\_\_," to represent the interests of the church of which they are so elected or appointed Churchwardens and of the members thereof, and shall and may sue and be sued, answer and be answered unto, in all manner of suits, actions and proceedings whatsoever, for and in respect of such churches and churchyards and all matters and things appertaining thereto; Provided always, that nothing herein contained shall be so construed as to make the provisions of the Church Temporalities Act, as to the renting or sale of pews, apply to free churches so long as they continue free.

Church-wardens of free as well as of pewed churches to be a corporation.

Proviso.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act respecting Churchwardens in the  
Diocese of Toronto.

*(Reprinted as amended.)*

First Reading, 12th February, 1884.

*(PRIVATE BILL.)*

Mr. CLARKE (*Toronto*).

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING



An Act to Incorporate the "Niagara Falls Water Works Company."

WHEREAS Zenas Beach Lewis, and others, have by their Preamble.  
petition set forth that one Samuel Zimmerman, in his  
lifetime, constructed, and was possessed of a certain franchise,  
known as the Clifton Water Works, and that the same is now  
5 vested in the petitioners, who with their predecessors in title  
have operated the same for the past thirty years, and repre-  
senting that it is desirable to give the said petitioners an Act  
of Incorporation to better enable them to operate their said  
works in a more efficient manner, and to acquire rights of way  
10 for the purpose of extending their street services to the village  
of Niagara Falls, and the township of Stamford, as well as to  
enlarge and extend the same in the town of Niagara Falls,  
and praying for an Act accordingly; and whereas, it is  
expedient to grant the prayer of the said petition;  
15 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Zenas Beach Lewis, William Hugh McClivé, Ellen P Incorporation.  
Lewis, Flora E. B. Lewis, Joseph G. Cadham, Benjamin Spen-  
20 cer and Francis LeBlond, together with such other persons as  
shall become shareholders in the company hereby incorporated,  
are hereby constituted and declared to be a body corporate and  
politic by and under the name of "The Niagara Falls Water  
Works Company."

25 2. The stock of the said company shall be fifty thousand Capital stock.  
dollars, in shares of fifty dollars each, and the present value of  
the franchise of the said company together with all their  
property, rights, and privileges, shall be twenty-five thousand  
dollars (each share of said stock being half paid up).

30 3. The said Company shall have power from time to time Calls.  
to make calls upon the said stock, at intervals of not less than  
three months, and in sums of not more than ten dollars per  
share on each call, and from the money so realized, and from  
the yearly revenue of the said company to extend their mains  
35 to the several streets of the village of Niagara Falls, and in  
the township of Stamford, as well as to the several streets of  
the town of Niagara Falls, and to increase the size of their  
present pump, pump-house and mains, as and when they may  
deem expedient, and to do all such acts and to acquire all such  
40 real estate and rights of way as may be necessary to make the  
present works fully efficient for supplying with water from  
the Niagara river, the said town and village of Niagara Falls.

Power to  
mortgage.

4. The said company shall have power to mortgage their said franchise and property, for a sum equal to one half of the amount paid up on the said stock, to be repayable in equal yearly payments, extending over a period of not more than twenty years, with a proviso that the same may be paid off with accrued interest at any time, on six months' notice, by the said company or their successors, and the mortgagee or mortgagees shall, by their mortgage, have vested in him or them, his, and their heirs, and assigns, all the franchise, estate, property, and rights of the said company, with full power in case of default in payment of principal or interest, to foreclose their said mortgage or sell the franchise and estate of the said company under power of sale to be contained in said mortgage, or enter into possession thereof and operate the same to the same extent as the said company.

45 V. c. 25,  
ss. 2-29, 31-35  
incorporated  
herewith.

5. The said company shall have power to avail themselves of those sections of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-five, entitled "The Municipal Water Works Act, 1882," numbered from two to twenty-nine, both inclusive, and from thirty-one to thirty-five, both inclusive, and all the provisions of the said sections are hereby declared to be applicable to the said company, and all the powers, rights, and privileges thereby conferred upon corporations are hereby conferred upon the said company, so far as the same may apply to or be invoked by the said company, subject to all the burthens and liabilities thereby imposed.

Directors.

6. The said Zenas Beach Lewis, William Hugh McClive Ellen P. Lewis, Flora E. B. Lewis, and Joseph G. Cadham shall be the first directors of the said company, of whom the said Zenas Beach Lewis shall be the president, and five directors shall be elected annually on the second Monday in January in each and every year hereafter, and the present directors or their successors elected as aforesaid, shall hold office unless and until such election be had, and in case of no elections being had, then the present directors or their successors elected as aforesaid, shall continue in office. But a special meeting may be held for the purpose of electing officers and directors at any time after three months from the general annual meeting (notice of such meeting and of the purpose for which the same is called having been given ten days at least previously thereto, by mailing the same to the several shareholders of the said company).

Special  
meetings.

7. The secretary of the said company at the request of the president and one director, or of any three shareholders, in writing, shall call a special meeting at any time (notice of which and of the purpose for which the same is called having been given ten days, at least, previously thereto, by mailing the same to the shareholders of the said company).

Officers.

8. The directors shall appoint a secretary, manager, and such other officers and servants as may be necessary to carry on the operations of the said company.

By-laws.

9. The directors shall at a regular meeting, or at a special meeting called for the purpose, make such by-laws and regu-

lations for the management of the affairs of the company and carrying on its business as are necessary for the wellbeing of the company, and not inconsistent with the powers conferred upon the said company—such by-laws and regulations to be entered in a book to be kept for such a purpose at the office of the company, and to be open for inspection to the shareholders as well as water-takers of said company.

10     **10.** Three directors shall form a quorum at any meeting of directors of said company. Quorum of directors.

10     **11.** The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, or thing whatsoever, relating to, or connected with the company beyond the unpaid amount of their 15 respective shares in the capital stock thereof. Liability of shareholders limited.

20     **12.** The town of Niagara Falls may acquire under the terms and conditions mentioned in the Act passed in the forty-fifth year of Her Majesty's reign, chaptered eighteen, entitled "An Act to extend the powers of companies for supplying 45 V. c. 18. Works may be purchased by town of Niagara Falls as provided in 45 V. c. 18.

20 cities, towns and villages, with gas and water," the said water works and all the franchises, rights and privileges of the said company at any time, on giving three months' notice of their intention in that behalf, and upon complying with the conditions of said Act with respect to compensation.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Niagara Falls  
Water Works Company.

First Reading,	1884.
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(PRIVATE BILL.)



Mr. PHELPS.



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

PRINTED BY C. BLACKETT ROBINSON.



An Act to incorporate the “Niagara Falls Water Works Company” Act.

 WHEREAS Zenas Beach Lewis, and others, have by their Preamble.  
petition set forth that one Samuel Zimmerman, in his  
lifetime, constructed, and was possessed of a certain franchise,  
known as the Clifton Water Works, and that the same is now  
5 vested in the petitioners, who with their predecessors in title  
have operated the same for the past thirty years, and repre-  
senting that it is desirable to give the said petitioners an Act  
of Incorporation to better enable them to operate their said  
works in a more efficient manner, and to acquire rights of way  
10 for the purpose of extending their street services to the village  
of Niagara Falls, and the township of Stamford, as well as to  
enlarge and extend the same in the town of Niagara Falls,  
and praying for an Act accordingly; and whereas, it is  
expedient to grant the prayer of the said petition;  
15 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:— .

1.  Zenas Beach Lewis, William Hugh McClive, Ellen P. Incorporation.  
Lewis, Flora E. B. Lewis, Joseph G. Cadham, Benjamin Spen-  
20 cer and Francis LeBlond, together with such other persons as  
shall become shareholders in the company hereby incorporated,  
are hereby constituted and declared to be a body corporate and  
politic by and under the name of “The Niagara Falls Water  
Works Company.” 

25 2.  The said Company shall have power to construct, Corporations  
of cities, etc.,  
may construct  
water-works.  
build, purchase, improve, extend, hold, maintain, manage and  
conduct water-works, and all buildings, materials, machinery  
and appurtenances thereto belonging, in the municipalities of  
the Town of Niagara Falls, the Village of Niagara Falls, and the  
30 Township of Stamford, and the neighbourhood thereof. 

3. The said Company shall have power to employ engineers, Powers.  
surveyors and such other persons, and to rent, with such con-  
ditions, covenants and stipulations as the company shall  
deem requisite or necessary, or purchase, at the option of the  
35 company such lands and buildings, waters and privileges  
as in their opinion may, during the construction or at any  
future time, be necessary to enable them to fulfil their duties  
under this Act. 45 Vic. c. 25, s. 3.

4. The said Company, their engineers, surveyors, servants Power to enter  
on lands and  
appropriate  
streams, etc.  
40 and workmen, from time to time, and at such times as  
the company shall see fit, may enter into and upon the

lands of any persons, bodies politic or corporate, in the said municipalities, and may survey, set out and ascertain such parts thereof as are required for the purposes of the water-works, and may divert and appropriate any river, ponds of water, springs or stream of water therein, as any engineer, surveyor or other person authorized in this behalf by the company shall judge suitable and proper for the said purposes, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purpose of the water-works, at the option of the company. (*Ib.* s. 4.)

**5.** In case of any disagreement between the said Company and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of the *Municipal Water Works Act*, cap. 25, 45 Vic., and as hereinafter provided. (*Ib.* s. 5.)

Provision in case of infant owners, etc.

**6.** In case any such owner or occupier is an infant, an idiot, or an insane person, or is absent from this Province, or in case such lands or water privileges are mortgaged or pledged to any person, the judge of the county court of the county in which the said company is situated, on application being made to him for that purpose by the company, and upon proof of notice of such application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators ;

(2) The award of the majority of the arbitrators in writing shall be binding on all parties concerned, as fully as if all had joined therein. (*Ib.* s. 6.)

Payment of award.

**7.** Any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon, or from the date of the award, as the case may be ; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon, or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of the motion ;

(2) In default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive. (*Ib.* s. 7.)

Payment into Court in certain cases.

**8.** In case the person to whom damages are awarded is an infant, an idiot, or an insane person, or is absent from the Province, or refuses to accept the amount awarded, the company may pay the same with interest to the committee of the person under any of the said disabilities, or may pay the same with interest into the High Court of Justice to the credit of such person, and such payment shall be a sufficient payment by the said company ;

(2) Any notice required to be served on any person under

any of the said disabilities shall be served on the person in whose care or under whose custody or control the person may be ;

(3) If any person so required to be served is absent from the Province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie, as may be ordered by the High Court of Justice or a judge thereof. (*Ib.* s. 8.)

10 9. The lands, privileges, and water so ascertained, set out, or appropriated by the said company, for the purposes thereof as aforesaid, shall, upon payment of the said moneys to the person entitled thereto, or into court as aforesaid, be vested in the said company in fee simple, except where the lands, 15 privileges or water are rented, in which case the term and possession shall be as agreed upon by the respective parties or as awarded by the arbitrators, but the company shall have power at the end of the term, or during the last year thereof, to again rent or to purchase such lands, privileges or water, at 20 the option of the company, at a rental or price to be again ascertained and determined in manner aforesaid. (*Ib.* s. 9).

10. The said company may construct, erect and maintain, in and upon the said lands, all such reservoirs, waterworks, and machinery requisite for the undertaking, and for conveying 25 the water thereto and therefrom, in, upon, and through any lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers, ponds, or waters from which the same are procured and the municipalities, by one or more lines of pipes, as may from time to time be found neces- 30 sary. (*Ib.* s. 10.)

11. The said company, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes through 35 the same, and in, upon, through, over, and under the highways, streets, lanes, roads, or other passages within the said municipalities, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate or politic, within the said municipalities ;

40 (2) All lands, and all highways, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay ;

(3) The said company may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands 45 as the said company may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, 50 or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the said municipalities, or for the uses of the company, or of the proprietors or occupiers of the land through or near which the same may pass. (*Ib.* s. 11.)

Lands, etc.,  
on payment  
vested in  
Corporation.

Construction  
of necessary  
works.

Power to enter  
on interme-  
diate lands.



Power to lay  
down pipes,  
etc.

**12.** For the purpose of distributing water as aforesaid the said company may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable. (*Ib.* s. 12.) 5

Compensation  
for damage.

**13.** The said company shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken or used by the company or injuriously affected by the exercise of its powers, to be ascertained as provided in like cases in the Municipal Act. (*Ib.* s. 13.) 10

Property  
vested in  
corporation.

**14.** All such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the company constructing the said works. (*Ib.* s. 14.) 15

Pipes may be  
carried across  
railways.

**15.** The said company may pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the said company is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in the "Railway, Streets, and Drains Act, 1882." (*Ib.* s. 15.) 20 25

Service pipes.

**16.** All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said company, and the said company shall be solely responsible for keeping the same in repair. 30

(2) In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the company may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the company or person appointed by them in that behalf; 35

(3) The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the company (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the company) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the company, or if not so paid, may be collected forthwith in the same manner as water-rates: Provided, that in no case shall the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar. (*Ib.* s. 16.) 40 45 50

Service pipes  
to be under  
control of cor-  
poration.

**17.** The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein



by the company, shall be under their control, and if any damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the company; and in default of his so doing, whether notified or not, the company may enter upon the lands where such service pipes are, and by their officers, servants, or agents, repair the same, and charge the same to the owner of the premises, as hereinbefore provided;

(2) The stopcock placed by the said company inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises;

(3) All parties supplied with water by the said company may be required by the said company to place only such taps for drawing and shutting off the water as are approved of by the company. (*Ib.* s. 17.)

18. Any person authorized by the said company for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, without notice, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, may set or alter the position of the same or of any pipe, connection or tap, and may fix the price to be paid for the use of any such meter. and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price and the expense of such alterations may be collected in the same manner as water-rates. (*Ib.* s. 18.)

Inspection of premises.

19. The Company shall regulate, subject to the proviso hereinafter mentioned, the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices, subject as hereinafter mentioned, for the use thereof and the times of payments. Such prices in the Town of Niagara Falls not to exceed, except with the consent by by-law of the Council of said Town of Niagara Falls, the following rates: For private houses, one tap, six dollars, each additional tap, two dollars; for lawn sprinklers, two dollars for one thousand superficial feet of lawn; one dollar for every additional one thousand superficial feet of lawn; for one tap for horse or cow for private use, one dollar, for each additional tap, fifty cents.

(2) Hotel rates for hotels containing from fifteen to thirty rooms, to be charged for at least two taps whether used or not (exclusive of those put in bar-room and wash-room), at twelve dollars each, any number of taps in either of such-mentioned rooms to count as one tap, each of which shall be six dollars, and any additional tap in such hotel to be six dollars each. The rates for hotels containing less than fifteen rooms to be charged for at least two taps, for first tap, twelve dollars, and each additional tap, six dollars, bar-room and wash-room to be counted as above.

(3) The Town of Niagara Falls shall be supplied with water for all town purposes at the rate of seventy-five dollars per annum, and shall pay in addition to above for each tank hereafter constructed in said town the sum of ten dollars for water supplied by said Company. 5

(4) In case the water works be so improved as to give a pressure for fire purposes, and hydrants are put in, the rates for such supply shall be fixed by agreement or arbitration of one person who shall be appointed by the County Judge of the County of Welland. 10

Power to make and enforce by-laws for maintenance and management of works.

20. The said company may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, and of the officers and others employed in connection with them, not inconsistent with this Act, and for the collection of the said water-rent, and water-rate, and for fixing the time and times when and the places where the same shall be payable. 15

(2) And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his possession, wherever the same may be found in the municipalities, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; but where the arrears exceed one quarter, no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate; 25

(3) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts. (*Ib.* s. 20.) 30

Limitation of action.

21. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of action first arose. (*Ib.* s. 24.) 35

22. The Company shall not be liable for damages caused by the breaking of any service pipes or attachment or for any shutting off of any water to repair mains or to tap the mains if reasonable notice of the intention to shut off the water is given whenever the same is shut off more than six hours at any one time and in case the water be shut off for a longer time than ten hours, there shall be allowed to takers of water a rebate of three times the ordinary charge to such takers during the stoppage of such supply after the said period of ten hours. (*Ib.* s. 25.) 40

Property exempt from execution.

23. All materials procured or partly procured under contract with the Company, and upon which the Company shall have made advances in accordance with such contract, shall be exempt from execution. (*Ib.* s. 26.) 50

24. The said Company may dispose of any real or personal property acquired by them for water-works purposes when no longer required, and until sold may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage created by the Company, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such mortgage, or should no such mortgage then exist, then the said proceeds shall form part of the general funds of the said Company, and may be applied accordingly;

Power to sell  
any property  
when no longer  
required.

(2) In case credit is given for any portion of the purchase money of such real property the said Company may take security by way of mortgage to secure the same, and the Company shall have all the rights, powers, and remedies expressed in or implied by any mortgage given, as fully as if such mortgage had been given to a private person, and every such mortgage, and the proceeds thereof, shall stand as security for any mortgage constituting a charge on the real property at the time of sale. (*Ib.* s. 29.)

25. All persons and companies who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage or injury to the water-works of said Company, or to any plant, machinery, fitting, or appurtenances thereof, shall be liable to the Company for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the Company in any court of competent jurisdiction. (*Ib.* s. 31.)

Liability of  
persons doing  
damage.

26. The Company may make such by-laws as may be requisite for prohibiting by fine, not exceeding twenty dollars and costs, or by imprisonment in the first instance for any term not exceeding one calendar month any person, being tenant, occupant or inmate of any house, building or other place supplied with water from the water-works from lending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit with the intent of depriving the Company of the emoluments thereof or from increasing the supply of water agreed for with the said Company or from wrongfully neglecting or improperly wasting the water.

(2) And may also make by-laws for regulating the time, manner, extent and nature of the supply by the works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, save so far as the rates are fixed for the Town of Niagara Falls and each, any, every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate or determine, in order to secure to the inhabitants of the municipalities a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Company with regard to the water so supplied;

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment shall be in the discretion of the justice of the peace before whom



any proceedings may be taken for the enforcement of any such by-law. (*Ib.* s. 32.)

Prohibitions  
and penalties.

**27.** If any person does or commits any of the following acts:

(a) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said Company, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained ; 5

(b) Wilfully or maliciously lets off or discharges any water, so that the same runs waste or useless, out of the said works ; 10

(c) Not being in the employment of the said Company, and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building-material, rubbish, or other obstruction ; 15

(d) Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, in case such water is frozen, or in any way fouls the water, or commits any wilful damage or injury to the works, pipes, or water, or 20 encourages the same to be done ;

(e) Wilfully alters any meter of the water-works placed upon any service pipe or connection therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, unless specially 25 authorized by the said Company for that particular purpose and occasion ;

(f) Lays or causes to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtains or uses any water thereof without the consent of 30 the said Company ;

(g) Washes or cleanses any clothes, wool, leather, skin or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain 35 from which the water of the said water-works is obtained, or conveys, casts, throws, or puts any filth, dirt, dead carcase, or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed 40 into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled ;

And such person is convicted of any such act before a justice of the peace having jurisdiction in the locality within which the offence is committed, he shall, for every such offence, forfeit 45 and pay a sum not exceeding twenty dollars nor less than one dollar, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days. (*Ib.* s. 33.) 50

Application of  
penalties.

**28.** The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting justice, and by him paid, one-half to the treasurer of the



company, and the other half to the prosecutor, unless the prosecutor is the servant or officer of the company, in which case the whole of the penalty shall be paid to the company. (*Ib.* s. 34.)

5 **29.** The water-works erected or constructed, and also the lands acquired for the purpose thereof, and every matter and thing therewith connected, shall be specially charged with the repayment of any sum or sums which may be borrowed by the company for the purposes thereof, and for any mortgage created thereon, and the holders of such mortgage shall have a preferential charge on the said lands, water-works, and the property appertaining thereto, for securing the payment of the principal and the interest due thereon. (*Ib.* s. 35.)

Money borrowed to be a charge on works.

15 **30.** The stock of the said company shall be fifty thousand dollars, in shares of fifty dollars each, and the present value of the franchise of the said company together with all their property, rights, and privileges, shall be twenty-five thousand dollars (each share of said stock being half paid up).

Capital stock.

20 **31.** The said Company shall have power from time to time to make calls upon the said stock, at intervals of not less than three months, and in sums of not more than ten dollars per share on each call, and from the money so realized, and from the yearly revenue of the said company, to extend their mains to the several streets of the village of Niagara Falls, and in the township of Stamford, as well as to the several streets of the town of Niagara Falls, and to increase the size of their present pump, pump-house and mains, as and when they may deem expedient, and to do all such acts and to acquire all such real estate and rights of way as may be necessary to make the

25 the Niagara river, the said town and village of Niagara Falls.

Calls.

**32.** The said Company shall have power to mortgage their said franchise and property for a sum equal to one half of the amount paid up on the said stock, to be repayable in equal yearly payments, extending over a period of not more than twenty years, with a proviso that the same may be paid off with accrued interest at any time, on six months' notice, by the said company or their successors, and the mortgagee or mortgagees shall, by their mortgage, have vested in him or them, his and their heirs and assigns, all the franchise, estate, property and rights of the said company, with full power in case of default in payment of principal or interest, to foreclose their said mortgage or sell the franchise and estate of the said Company under power of sale to be contained in said mortgage or enter into possession thereof and operate the same to the

35 same extent as the said Company.

Power to mortgage.

**33.** The said Zenas Beach Lewis, William Hugh McClive, Ellen P. Lewis, Flora E. B. Lewis, and Joseph G. Cadham, shall be the first directors of the said company, of whom the said Zenas Beach Lewis shall be the president, and five directors shall be elected annually on the second Monday in January in each and every year hereafter, and the present directors

Directors.

or their successors elected, as aforesaid, shall hold office unless and until such election be had, and in case of no elections being had, then the present directors or their successors elected as aforesaid shall continue in office. But a special meeting may be held for the purpose of electing officers and directors at any time after three months from the general annual meeting (notice of such meeting and of the purpose for which the same is called having been given ten days at least previously thereto, by mailing the same to the several shareholders of the said company).

**Special meetings.**

§ 34. The secretary of the said Company at the request of the president and one director, or of any three shareholders, in writing, shall call a special meeting at any time (notice of which and of the purpose for which the same is called having been given ten days at least previously thereto, by mailing the same to the shareholders of the said Company).

**Officers.**

§ 35. The directors shall appoint a secretary, manager, and such other officers and servants as may be necessary to carry on the operations of the said Company.

**By-laws.**

§ 36. The directors shall at a regular meeting, or at a special meeting called for the purpose, make such by-laws and regulations for the management of the affairs of the Company and carrying on its business as are necessary for the well-being of the company, and not inconsistent with the powers conferred upon the said Company; such by-laws and regulations to be entered in a book to be kept for such a purpose at the office of the company, and to be open for inspection to the shareholders as well as water-takers of said Company.

**Quorum of directors.**


§ 37. Three directors shall form a quorum at any meeting of directors of said Company.

**Liability of shareholders limited.**

§ 38. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, or thing whatsoever, relating to or connected with the Company, beyond the unpaid amount of their respective shares in the capital stock thereof.

§ 39. The Town of Niagara Falls may purchase and acquire from the said Company, its successors or assigns, the said water works and all the franchise rights and privileges of the Company at any time on or before the first day of September, A.D. 1884, upon the said town paying therefor to the said Company, its successors or assigns, the price or sum of seventeen thousand dollars, and such additional sum as shall have been expended thereon on capital account, the same to be paid in debentures of the said town, bearing interest at five per cent. per annum and extending over a period of seventeen years if so desired by said town.

§ 40. In the event of their so purchasing as aforesaid, the said town shall have all the rights and privileges conferred upon the said Company by this Act, and the further power of imposing such charges for the use of water to consumers thereof as are conferred upon municipalities by section 19 of said re-

cited Act, and it shall not be necessary for the said town to apply to the Legislative Assembly of Ontario for an Act to legalize the said purchase or to confer upon them similar privileges, and there shall also be conferred upon said town in  
5 such case all other powers conferred upon municipalities owning, acquiring, constructing and operating Water Works by the said "The Municipal Water Works Act, 1882." 

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the "Niagara Falls  
Water Works Company" Act.

(*Reprinted.*)

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First Reading,	1884.
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(*PRIVATE BILL.*)

MR. PHELPS.


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TORONTO


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





An Act to incorporate the “Niagara Falls Water Works Company” Act.

 WHEREAS Zenas Beach Lewis, and others, have by their Preamble.  
petition set forth that one Samuel Zimmerman, in his

lifetime, constructed, and was possessed of a certain franchise,  
known as the Clifton Water Works, and that the same is now  
5 *possessed by* the petitioners, who with their predecessors in title  
have operated the same for the past thirty years, and repre-  
senting that it is desirable to give the said petitioners an Act  
of Incorporation to better enable them to operate their said  
works in a more efficient manner, and to acquire rights of way  
10 for the purpose of extending their street services to the village  
of Niagara Falls, and the township of Stamford, as well as to  
enlarge and extend the same in the town of Niagara Falls,  
and praying for an Act accordingly; and whereas it is  
expedient to grant the prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows — 

1.  Zenas Beach Lewis, William Hugh McClive, Ellen P. Incorporation.  
Lewis, Flora E. B. Lewis, Joseph G. Cadham, Benjamin Spen-  
20 cer and Francis LeBlond, together with such other persons as  
shall become shareholders in the company hereby incorporated,  
are hereby constituted and declared to be a body corporate and  
politic by and under the name of “The Niagara Falls Water  
Works Company.” 

25 2.  *Subject to the provisions of this Act* the said Com- Power to  
construct  
water-works.  
pany shall have power to construct, build, purchase, improve,  
extend, hold, maintain, manage and conduct water-works, and  
all buildings, materials, machinery and appurtenances thereto  
belonging, in the municipalities of the Town of Niagara Falls,  
30 the Village of Niagara Falls, and the Township of Stamford, and  
the neighbourhood thereof. 

3. The said Company shall have power to employ engineers, Powers.  
surveyors and such other persons, and to rent, with such con-  
ditions, covenants and stipulations as the company shall  
35 deem requisite or necessary, or purchase, at the option of the  
company such lands and buildings, waters and privileges  
as *shall*, during the construction or at any future time, be  
necessary to enable them to fulfil their duties under this Act.  
45 Vic. c. 25, s. 3.

40 4. The said Company, their engineers, surveyors, servants Power to enter  
on lands and  
appropriate  
streams, etc.  
and workmen, from time to time, and at such times as

the company shall see fit, may enter into and upon the lands of any persons, bodies politic or corporate, in the said municipalities, and may survey, set out and ascertain such parts thereof as are required for the purposes of the water-works, and may divert and appropriate any river, ponds of water, springs or stream of water therein, as *suitable and necessary* for the said purposes, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purpose of the water-works, at the option of the company. (*Ib.* s. 4.)

Arbitration.

5. In case of any disagreement between the said Company and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of the *Municipal Water Works Act, 1882*, and as hereinafter provided. (*Ib.* s. 5.)

Provision in case of infant owners, etc.

6. In case any such owner or occupier is an infant, an idiot, or an insane person, or is absent from this Province, or in case such lands or water privileges are mortgaged or pledged to any person, the judge of the county court of the county in which *such lands or water privileges* are situated, on application being made to him for that purpose by the company, and upon proof of notice of such application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators;

(2) The award of the majority of the arbitrators in writing shall be binding on all parties concerned, as fully as if all had joined therein. (*Ib.* s. 6.)

Payment of award.

7. Any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon, or from the date of the award, as the case may be; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon, or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of the motion;

(2) In default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive. (*Ib.* s. 7.)

Payment into Court in certain cases.

8. In case the person to whom damages are awarded is an infant, an idiot, or an insane person, or is absent from the Province, or refuses to accept the amount awarded, the company may pay the same with interest to the *guardian* or to the committee of the person under any of the said disabilities, or may pay the same with interest into the High Court of Justice to the credit of such person, and such payment shall be a sufficient payment by the said company;

(2) Any notice required to be served on any person under

any of the said disabilities shall be served on the person in whose care or under whose custody or control the person may be;

(3) If any person so required to be served is absent from the Province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie, as may be ordered by the High Court of Justice or a judge thereof. (*Ib.* s. 8.)

9. The lands, privileges, and water so ascertained, set out, or appropriated by the said company, for the purposes thereof as aforesaid, shall, upon payment of the said moneys to the person entitled thereto, or into court as aforesaid, be vested in the said company in fee simple, except where the lands, privileges or water are rented, in which case the term and possession shall be as agreed upon by the respective parties or as awarded by the arbitrators, but the company shall have power at the end of the term, or during the last year thereof, to again rent or to purchase such lands, privileges or water, at the option of the company, at a rental or price to be again ascertained and determined in manner aforesaid. (*Ib.* s. 9.)

Lands, etc.,  
on payment  
vested in  
Corporation.

10. The said company may construct, erect and maintain, in and upon the said lands, all such reservoirs, waterworks, and machinery requisite for the undertaking, and for conveying the water thereto and therefrom, in, upon, and through any lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers, ponds, or waters from which the same are procured and the municipalities, by one or more lines of pipes, as may from time to time be found necessary. (*Ib.* s. 10.)

Construction  
of necessary  
works.

11. The said company, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes through the same, and in, upon, through, over, and under the highways, streets, lanes, roads, or other passages within the said municipalities, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate or politic, within the said municipalities; but nothing herein contained shall authorize the said company or any officer thereof or any person acting under the authority of the same, to take, use, or injure, for the purpose of the said company any house or building or avenue leading to the front of a house;

Power to enter  
on intermediate  
lands.

(2) All lands, and all highways, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay;

(3) The said company may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said company may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the said



municipalities, or for the uses of the company, or of the proprietors or occupiers of the land through or near which the same may pass. (*Ib.* s. 11.)

Power to lay  
down pipes,  
etc.

**12.** For the purpose of distributing water as aforesaid the said company may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable. (*Ib.* s. 12.) 5

Compensation  
for damage.

**13.** The said company shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken or used by the company or injuriously affected by the exercise of its powers, to be ascertained as provided in like cases in the *Consolidated Municipal Act*, 1883. (*Ib.* s. 13.) 10 15

Property  
vested in  
corporation.

**14.** All such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the company constructing the said works. (*Ib.* s. 14.)

Pipes may be  
carried across  
railways.

**15.** The said company may pass by-laws for laying down 20 in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the said company is authorized to construct, and for entering upon, 25 breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in the *Railway, Streets, and Drains Act*, 1882. (*Ib.* s. 15.)

Service pipes.

**16.** All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said company, and the said company shall be solely responsible for keeping the same in repair. 30

(2) In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the company may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the company or person appointed by them in that behalf; 35 40

(3) The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the company (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the company) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the company, or if not so paid, may be collected forthwith in the same manner as water-rates: Provided, that in no case shall the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar. *Ib.* s. 16. 45 50





17. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the company, shall be under their control, and if any 5 damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the company; and in default of his so doing, whether notified or not, the company may enter upon the lands where such service pipes are, and by their officers, servants, or agents, repair 10 the same, and charge the same to the owner of the premises, as hereinbefore provided;


Service pipes  
to be under  
control of  
company.

(2) The stopcock placed by the said company inside the wall of the building shall not be used by the water tenant, except 15 in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises;

(3) All parties supplied with water by the said company may be required by the said company to place only such taps for drawing and shutting off the water as are approved of by the 20 company. (*Ib.* s. 17.)

18. Any person authorized by the said company for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, to all parts of every building or other premises in which water 25 is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating 30 the use of any such meter, may set or alter the position of the same or of any pipe, connection or tap, and may fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses 35 of such alterations; and such price and the expense of such alterations may be collected in the same manner as water-rates. (*Ib.* s. 18.)  Provided always, that nothing herein contained shall be construed as giving any power or authority to convey or shut off from the premises of any person 40 not in arrear for water-rates any water already appropriated and necessary for his domestic use, without the consent in writing of the owner or owners thereof first had and obtained. 

Inspection of  
premises.

19.  The Company shall regulate, subject to the proviso 45 hereinafter mentioned, the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices, subject as hereinafter mentioned, for the use thereof and the times of payments. Such prices in the Town of Niagara Falls not to 50 exceed, except with the consent by by-law of the Council of said Town of Niagara Falls, the following rates: For private houses, one tap, six dollars, each additional tap two dollars; for lawn sprinklers two dollars for the first one thousand superficial feet of lawn and one dollar for every additional one thousand 55 superficial feet of lawn; for one tap for horse or cow for private use, one dollar, and for each additional horse or cow tap, fifty cents.

Power to  
regulate dis-  
tribution and  
use of water  
and price  
thereof.

(2) Hotel rates for hotels containing from fifteen to thirty rooms, to be charged for at least two taps whether used or not (exclusive of those put in bar-room and wash-room), at twelve dollars each; any number of taps in either of such-mentioned rooms to count as one tap, each of which shall be six dollars, and any additional taps in such hotel to be six dollars each. The rates for hotels containing less than fifteen rooms to be charged for at least two taps, for first tap, twelve dollars, and each additional tap, six dollars, *and taps in bar-rooms or wash-rooms to be at the same rate.*

(3) The Town of Niagara Falls shall be supplied with water for all town purposes at the rate of seventy-five dollars per annum, and shall pay in addition to above for each tank hereafter constructed in said town the sum of ten dollars *annually* for water supplied by said Company.

(4) In case the water works be so improved as to give a pressure for fire purposes, and hydrants are put in, the rates for such supply shall be fixed by agreement or arbitration of one person who shall be appointed by the County Judge of the County of Welland.

R. S. O. c.  
157, s. 9.

Power to make  
and enforce  
by-laws for  
maintenance  
and manage-  
ment of works.

20. The said company may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, and of the officers and others employed in connection with them, not inconsistent with this Act, and for the collection of the said water-rent, and water-rate, and for fixing the time and times when and the places where the same shall be payable.

(2) And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his possession, wherever the same may be found in the municipalities, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; but where the arrears exceed one quarter, no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate;

(3) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts. (*Ib.* s. 20.)



Limitation of  
action.

21. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of action first arose. (*Ib.* s. 24.)

Non-liability  
for breakage  
or stoppage.



22. The Company shall not be liable for damages caused by the breaking of any service pipes or attachment or for any shutting off of any water to repair mains or to tap the mains if reasonable notice of the intention to shut off the water is given whenever the same is shut off more than six hours at





any one time and in case the water be shut off for  a longer time than ten hours, there shall be allowed to takers of water a rebate of three times the ordinary charge to such takers during the stoppage of such supply after the said period of ten 5 hours.  (Ib. s. 25.)

23. All persons and companies who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage or injury to the water-works of said Company, or to any plant, machinery, fitting, or appurtenances thereof, shall be liable to the Company for or 10 in respect of such damage, loss, or injury ; and damages in respect thereof may be recovered by the Company in any court of competent jurisdiction. (Ib. s. 31.)




Liability of persons doing damage.

24. The Company may make such by-laws as may be requisite for prohibiting by fine, not exceeding twenty dollars 15 and costs, or by imprisonment in the first instance for any term not exceeding one calendar month, any person, being tenant, occupant or inmate of any house, building or other place supplied with water from the water-works from vending, 20 selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit  with the intent of depriving the Company of the emoluments thereof  or from 25 increasing the supply of water agreed for with the said Company or from wrongfully neglecting or improperly wasting the water.




Power to make by-laws prohibiting wrongful use of water and regulating supply.

(2) And may also make by-laws for regulating the time manner, extent and nature of the supply by the works, the 30 tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor,  save so far as the rates are fixed for the Town of Niagara Falls  and each, any, every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, 35 regulate or determine, in order to secure to the inhabitants of the municipalities a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Company with regard to the water so supplied ;

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment shall 40 be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of any such by-law. (Ib. s. 32.)




 25. The stock of the said company shall be fifty thousand 45 dollars, in shares of fifty dollars each, and the present value of the franchise of the said company together with all their property, rights, and privileges, shall be  taken to be and shall be considered as payment in full of one half of each share of said stock. 

Capital stock.





50  26. The said Company shall have power from time to time to make calls upon the said stock,  for the residue of one half remaining unpaid thereon  at intervals of not less than three months, and in sums of not more than ten dollars per share on each call, and from the money so realized, and from



Calls.



Extension of  
mains.

the yearly revenue of the said company,  but subject always to the other provisions of this Act  to extend their mains to the several streets of the village of Niagara Falls, and in the township of Stamford, as well as to the several streets of the town of Niagara Falls, and to increase the size of their present pump, pump-house and mains, as and when they may deem expedient, and to do all such acts and to acquire all such real estate and rights of way as may be necessary to make the present works fully efficient for supplying with water from the Niagara river, the said town and village of Niagara Falls.  (R. S. O., c. 157, s.s. 60, 62.)

Power to  
mortgage.

 27. The said Company shall have power to mortgage their said franchise and property for a sum equal to one half of the amount paid up on the said stock, to be repayable in equal yearly payments, extending over a period of not more than twenty years, with a proviso that the same may be paid off with accrued interest at any time, on six months' notice, by the said company or their successors, and the mortgagee or mortgagees shall, by their mortgage, have vested in him or them, his and their heirs and assigns,  subject to all the provisions, duties, liabilities and conditions contained in this Act  all the franchise, estate, property and rights of the said company, with full power in case of default in payment of principal or interest, to foreclose their said mortgage or sell the franchise and estate of the said Company under power of sale to be contained in said mortgage or enter into possession thereof and operate the same to the same extent as the said Company. 


28.  The affairs of the said Company shall be managed by five Directors, and the said Zenas Beach Lewis, William Hugh McClive, Ellen P. Lewis, Flora E. B. Lewis, and Joseph G. Cadham, shall be the first Directors of the said Company, of whom the said Zenas Beach Lewis shall be the President, and five Directors shall be elected annually hereafter on the second Monday in each and every year, the present Directors being eligible for re-election, and the said Directors or their successors elected as aforesaid, shall hold office until such election be duly had; and it is hereby enacted, that the several clauses and sections of an Act entitled "*An Act containing General Provisions applicable to Joint Stock Companies, incorporated by special Act for certain purposes*" shall be, and they are hereby incorporated with this Act, and shall be read therewith, save and so far as they are contrary to or inconsistent with the provisions of this Act. 


 29. The Town of Niagara Falls may purchase and acquire from the said Company, its successors or assigns, the said water works and all the franchise rights and privileges of the Company at any time on or before the first day of September, A.D. 1884, upon the said town paying therefor to the said Company, its successors or assigns, the price or sum of seventeen thousand dollars, and such additional sum as shall have been expended thereon on capital account, the same to be paid in debentures of the said town, bearing interest at five per cent. per annum and extending over a period of seventeen years if so desired by said town. 

 30. In the event of such purchase being made as aforesaid,



the said town shall have all the rights and privileges conferred upon the said Company by this Act, and the further power of imposing such charges for the use of water to consumers thereof as are conferred upon municipalities by section 5 *nineteen of The Municipal Water Works Act, 1882*, and it shall not be necessary for the said town to apply to the Legislative Assembly of Ontario for an Act to legalize the said purchase or to confer upon them similar privileges, and there shall also be conferred upon said town in 10 such case all other powers conferred upon municipalities owning, acquiring, constructing and operating Water Works by the said Act.

31.  Nothing in this Act hereinbefore contained shall extend, apply, refer to or be deemed to interfere with or pre- 15 judice the rights, powers, franchises, lands and properties of the Erie and Niagara Railway Company, or the Canada Southern Railway Company, or to interfere with or prejudice the relations, rights, liabilities or remedies now existing between the said Railway Companies or either of them, and the persons 20 hereinbefore named or Company hereby incorporated or either or any of them.

32. The Company hereby incorporated shall have power from time to time to relay, put down or enlarge the supply or pumping main at Range 10, Falls Company's lands in the 25 Township of Stamford now existing and being under the line of the Canada Southern Railway Company, or any other supply or pumping main in lieu of that now existing, but the powers hereby conferred shall be exercised only in accordance with and in the manner and with the restrictions contained in "*The* 30 *Railway, Streets and Drains Act, 1882*," and as if said company were a council of a municipality within the meaning of the said Act, Provided that the powers hereby given shall not interfere with the right of the said Canada Southern Railway Company or its successors to reconstruct or alter its line of 35 railway as it may consider necessary, and for such purposes to depress such supply or pumping main as may be necessary for the performance of such work. 

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the "Niagara Falls  
Water Works Company" Act.

*(Reprinted as amended).*

First Reading,

1884.

*(PRIVATE BILL.)*

MR. PHELPS.

TORONTO

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to enable the Corporation of the Town of Barrie to close up a portion of Mark Street in the said Town.

WHEREAS the Corporation of the Town of Barrie have by Preamble.  
 their petition represented that a certain parcel or tract of  
 land, hereinafter more particularly described, has been reclaimed  
 from the waters of Kempenfeldt Bay, and added to the southern  
 5 boundary of Mark Street, forming a strip alongside the said  
 southern boundary, and have prayed that this said parcel or  
 tract of land may be vested in the said Corporation, their suc-  
 cessors and assigns, with power to sell; and whereas it is ex-  
 pedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The parcel or tract of land lying immediately along the  
 southern boundary of Mark Street, aforesaid, and which may be Parcel of land  
 15 more particularly described as follows, that is to say:—Com- lying along  
 mencing at a point in the eastern limit of Bayfield Street in the southern  
 Town of Barrie, distant sixty feet southerly measured along the boundary of  
 said limit of Bayfield Street from the northern limit of Mark Mark Street  
 Street; thence in an easterly direction parallel to the northern closed and  
 20 limit of Mark Street, three hundred and twenty-seven feet, vested in  
 more or less, to the intersection of the western limit of the Pub- corporation.  
 lic Square on Dunlop Street; thence in a southerly direction,  
 being on a course that would intersect the north-western angle  
 of the water lot in front of town lot number eight for a distance  
 25 of three feet, more or less, to the fence now erected marking the  
 northern limit of the Barrie station grounds of the Northern  
 Railway company; thence westerly, following the said fence,  
 three hundred and twenty-six feet, more or less, to the produced  
 eastern limit of Bayfield Street, aforesaid; thence northerly  
 30 following the said produced limit of Bayfield Street, one hun-  
 dred and two feet and two inches, more or less, to the place of  
 beginning, and containing by admeasurement sixteen thousand  
 nine hundred and sixty-five square feet, more or less, is hereby  
 declared to be closed and the soil and freehold thereof for ever  
 35 vested in the corporation of the Town of Barrie, their suc-  
 cessors and assigns.

2. The Corporation of the Town of Barrie, their successors Sale of land  
 and assigns may sell and convey the parcel or tract of land so by corporation  
 closed, or any part thereof in fee simple. authorized.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to enable the Corporation of the  
Town of Barrie to close up a portion of  
Mark Street in the said Town.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

Mr. AWREY.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to authorize the trustees of the estate of James Stock, deceased, to mortgage certain property.

WHEREAS James Stock, late of the city of Toronto, merchant, died, having first made his last will, whereby he devised his estate, real and personal, to trustees, on the trusts therein set forth and gave the trustees power to sell his said estate; and whereas Edward Stock and James Corcoran are the present trustees of the said estate; and whereas the said estate is indebted to various persons, as found by the report of the master in ordinary of the Supreme Court of Judicature; and whereas, the said report also finds that the guardian of the infant children of the said James Stock, deceased, has a claim for the past maintenance and education of the said infant children, and that the same is chargeable against their respective shares of and in the said estate; and whereas, it is undesirable to sell at the present time the freehold lands of said estate; and whereas, the said lands are at present rented; and whereas, the income of the said estate cannot now be applied by the said trustees for the maintenance of the said infant children, as the income is, and for many years to come, would be required to pay the said debts; and whereas, the said trustees have by their petition prayed for the enactments hereinafter contained, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees of the said estate of James Stock, deceased, are hereby authorized and empowered to grant and mortgage, in fee simple, all or any of the freehold lands of the said estate for the purpose of paying the said claims found by the said master's report to be due by the said estate.

Power to mortgage for payment of certain claims.

2. The said trustees are also hereby authorized and empowered to grant and mortgage the respective shares, estates, and beneficial interests which any of the infant children of said deceased have or may have in said estate, for the purpose of paying to the said guardian the amount that is due to him as hereinbefore recited, and that is chargeable on such infants' share and interest.

Power to mortgage for payment of amount due to guardian of infants.

3. Nothing herein contained shall be construed an authority to mortgage, charge, or encumber any one child's share or interest, with the amount due, by, or in respect of any other child.

Share of one child not to be mortgaged for debt of another.

4. The said trustees, or any future trustees may, from time to time, make mortgages as aforesaid, for the purpose of paying off the mortgages hereby authorized, or any part thereof.

Power to mortgage for payment of mortgages authorized.

BILL.

An Act to authorize the Trustees of the Estate of James Stock, deceased, to mortgage certain property.

First Reading,	1884.
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(*PRIVATE BILL.*)

Mr.



TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

An Act to authorize the trustees of the estate of James Stock, deceased, to mortgage certain property.

**W**HEREAS James Stock, late of the city of Toronto, merchant, died, having first made his last will, whereby he devised his estate, real and personal, to trustees, on the trusts therein set forth, and gave the trustees power to sell his said estate; and whereas Edward Stock and James Corcoran are the present trustees of the said estate; and whereas the said estate is indebted to various persons, as found by the report of the Master in ordinary of the Supreme Court of Judicature; and whereas the said report also finds that the guardian of the infant children of the said James Stock, deceased, has a claim for the past maintenance and education of the said infant children, and that the same is chargeable against their respective shares of and in the said estate; and whereas, it is undesirable to sell at the present time the freehold lands of said estate; and whereas the said lands are at present rented; and whereas the income of the said estate cannot now be applied by the said trustees for the maintenance of the said infant children, as the income is, and for many years to come, would be required to pay the said debts; and whereas, the said trustees have by their petition prayed for the enactments hereinafter contained, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1. The trustees of the said estate of James Stock, deceased, are hereby authorized and empowered to grant and mortgage, in fee simple, all or any of the freehold lands of the said estate for the purpose of paying the said claims found by the said Master's report to be due by the said estate;  Provided always, that the power of mortgaging by this section conferred shall not be exercised without the assent, in writing, first had and obtained, of James J. Stock, one of the children of the said James Stock, deceased. 
2. The said trustees are also hereby authorized and empowered to grant and mortgage the respective shares, estates, and beneficial interests which any of the infant children of said deceased have or may have in said estate, for the purpose of paying to the said guardian the amount that is due to him as hereinbefore recited, and that is chargeable on such infants' share and interest.

Preamble.

Power to mortgage for payment of certain claims

Power to mortgage for payment of amount due to guardian of infants.

Share of one child not to be mortgaged for debt of another.

3. Nothing herein contained shall be construed as an authority to mortgage, charge, or encumber any one child's share or interest with the amount due by, or in respect of, any other child.

Power to mortgage for payment of mortgages authorized.

4. The said trustees, or any future trustees may, from time to time, make mortgages as aforesaid, for the purpose of paying off the mortgages hereby authorized, or any part thereof.

Powers to be subject to supervision of Chancery Division of High Court.

5. The powers of mortgaging and re-mortgaging hereby conferred upon the said trustees shall be exercised under the supervision of a judge of the Chancery Division of the High Court of Justice, or of such officer as he shall think fit to refer it to.

No. 31.

1st Session, 5th Legislature, 47 Vic. 1884.

## BILL.

An Act to authorize the Trustees of the Estate of James Stock, deceased, to mortgage certain property.

(Reprinted as amended.)

First Reading, 11th February, 1884.

(PRIVATE BILL)

Mr. ERMATINGER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to incorporate the Sarnia and Lambton Southern  
Railway Company.

WHEREAS Charles Mackenzie, Thomas Kenny, James King, Preamble.

Michael Fleming and John Alexander Mackenzie, all of the town of Sarnia in the county of Lambton have, by petition prayed for an Act of incorporation to build and operate a railway from some point on the river St. Clair, within the limits of the town of Sarnia through the townships of Sarnia and Enniskillen, to a point at or near the town of Petrolia; thence southerly to connect with the Canada Southern Railway at or near Oil City, and through or near the village of Oil Springs, and the township of Dawn, all in the county of Lambton, and through the township of Camden to the village of Dresden, in the county of Kent, with all necessary powers to lease to or amalgamate with, or to make arrangements for the operating of the same by any other railway, and to build branches for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said persons in the preamble mentioned, together with such other persons and corporations as shall in pursuance of this Act become shareholders in said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Sarnia and Lambton Southern Railway Company."

2. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from some point at or near the river St. Clair, within the limits of the town of Sarnia, through the townships of Sarnia and Enniskillen, to a point at or near the town of Petrolia; thence southerly to connect with the Canada Southern Railway at or near Oil City, and through or near the village of Oil Springs, and the township of Dawn, all in the county of Lambton, and through the township of Camden to the village of Dresden in the county of Kent, with all necessary powers to lease to, or amalgamate with, or to make arrangements for the operating of the same by any other railway thereunto lawfully authorized, and to build branches for such purposes.

3. The capital of the company hereby incorporated shall be four hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into

four thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and working of the said railway and the purposes of this Act. 5

Provisional directors.

4. Charles Mackenzie, Thomas Kenney, James King, Michael Fleming, and John Alexander Mackenzie shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. 15

Powers of provisional directors.

5. The said board of provisional directors shall have full powers to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette*, and in one paper published in the town of Sarnia, and in one published in the town of Chatham, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who, in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway. 20 25 30 35

First election of directors.

6. When, and as soon as shares to the amount of twenty thousand dollars, in the capital stock of the company shall have been subscribed, and ten per centum thereof shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in two newspapers, one published in the town of Sarnia, and one in the town of Chatham, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, who together with ex-officio directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election. 40 45 50

Application of moneys paid in.

7. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act. 55

8. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section six.

9. Thereafter the general annual meeting of the shareholders Annual meetings. of said company shall be held in the town of Sarnia at such time and place as shall be appointed by By-laws, and public notice thereof shall be given as provided in section six.

10 10. Special general meetings of the shareholders of said com- Special meetings. pany may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the By-laws of said company, upon such notice being given as is provided in section six.

15 11. In the election of directors under this Act, no person Qualification of directors. shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up.

20 12. Aliens as well as British subjects, and whether resident Rights of aliens. in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company.

25 13. At all meetings of the board of directors five directors Quorum of directors. shall form a quorum.

30 14. The said company may receive from any government, or from any persons, or bodies corporate, or municipal corporation, who may have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

35 15. It shall be lawful for any municipality which may be interested in securing the construction of the said railway, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient. Aid from municipalities.

40 16. The provisions of the Municipal Act, so far as the same Municipal Act are not inconsistent with this Act, shall apply to any By-laws to apply to bonus By-laws. passed by any municipality in aid of the construction of said railway.

45 17. It shall be lawful for the corporation of any municipi- Exemption from taxation. pality through any part of which the railway of said company passes or is situate, by By-laws passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, for such term of years as to such municipal corporation 50 may seem expedient.



Trustees of  
debentures.

18. Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the By-laws authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said com- 5 pany, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the 10 company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be 15 removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant- 20 Governor in Council.

Trusts of  
proceeds of  
debentures.

19. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the By-law in relation thereto as to time or manner to convert the same into money, or other- 25 wise dispose of them; Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the Sarnia and Lambton Southern Railway Municipal Trust account, and to pay the same out to the said company from time to time as 30 the said company become entitled thereto under the conditions of the By-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the By-law 35 have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who 40 may sue therefor.

Municipal  
directors.

20. Any municipality which shall grant a bonus of not less than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality. 45

Grants of  
land by  
Municipality.

21. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic 50 of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic, or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of  
time for com-  
pletion.

22. It shall and may be lawful for the council of any muni- 55 cipality that may grant a bonus to the company, and they shall



have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

**23.** The directors of the said company, after the sanction of Issue of bonds.  
 5 the shareholders shall have first been obtained, at any special  
 general meeting to be called from time to time for that purpose,  
 shall have power to issue bonds, made and signed by the presi-  
 dent or vice-president of the said company, and countersigned  
 by the secretary and under the seal of the said company, for the  
 10 purpose of raising money for prosecuting the said undertaking;  
 and such bonds shall without registration or formal conveyance  
 be taken and considered to be the first and preferential claims,  
 and charges upon the undertaking and the real property of the  
 company, including its rolling stock and equipments then exist-  
 15 ing, and at any time thereafter acquired, and each holder of the  
 said bonds shall be deemed to be a mortgagee and encumbrancer  
*pro rata* with all the other holders thereof upon the undertaking  
 and property of the company as aforesaid; Provided, however,  
 that the whole amount of such issue of bonds shall not exceed in  
 20 all the sum of ten thousand dollars per mile, nor shall the amount  
 of such bonds issued at any one time be in excess of the amount  
 actually expended in surveys, purchase of right of way, and  
 works of construction and equipment upon the line of the said  
 railway, or material actually purchased, paid for, and delivered  
 25 to the company within the Province of Ontario or Quebec; and  
 provided also further, that in the event at any time of the inter-  
 est upon the said bonds remaining unpaid and owing, then at  
 the next ensuing general annual meeting of the said company,  
 all holders of bonds shall have and possess the same rights and  
 30 privileges and qualifications for directors, and for voting, as are  
 attached to shareholders; provided that the bonds and any  
 transfers thereof shall have been first registered in the same  
 manner as is provided for the registration of shares, and it shall  
 be the duty of the secretary of the company to register the same  
 35 on being required to do so by any holder thereof.

**24.** The railway shall be commenced within three years and Commence-  
ment and  
completion.  
 be completed within six years from the passing of this Act.

**25.** The company incorporated by this Act may enter into Agreements  
with other  
companies.  
 any arrangement with any other railway company or companies  
 40 lawfully authorized in that behalf, for the building and working  
 of the said railway on such terms and conditions as the directors  
 of the several companies may agree on, for leasing or hiring from  
 such other company or companies any locomotives or other  
 moveable property, and generally to make any agreement or agree-  
 45 ments with any other company lawfully authorized in that  
 behalf, touching the use by one or the other, or by both com-  
 panies, of the railways or rolling stock, or either or both or any  
 part thereof, or touching any service to be rendered by the one  
 company to the other, and the compensation therefor, and any  
 50 such agreement shall be valid and binding according to the  
 terms and tenor thereof; provided that the assent of at least two-  
 thirds of the shareholders shall be first obtained at a general  
 special meeting to be called for the purpose according to the  
 By-laws of the company and provisions of this Act, and the  
 55 company or companies leasing or entering into the agreement  
 for using the said line, may and are hereby authorized to work

the said railway in the same manner, and in all respects as if incorporated with their own line, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

5

Power to mortgage bonds.

**26.** The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

**27.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

15

Form of conveyances.

**28.** Conveyances of lands to the said company for the purpose of and powers given by this Act made in the form set out in Schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to purchase land for warehouses, etc.

**29.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

35

Extension of time for fulfilment of conditions on which aid granted.

**30.** In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

40

## SCHEDULE A.

(Section 19.)

### CHIEF ENGINEER'S CERTIFICATE.

The Sarnia and Lambton Southern Railway Company's Office,  
Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Sarnia and  
Lambton Southern Railway Company Municipal Trust

Account, given under Section      chapter      of the Acts  
of the Legislature of Ontario, passed in the      year of  
Her Majesty's reign.

I,      chief engineer for the Sarnia and  
Lambton Southern Railway Company, do certify that the said  
company has fulfilled the terms and conditions necessary to be  
fulfilled under the by-law number      of the      of  
of      (or under the agreement dated the      day  
between the corporation of      and the  
said company), to entitle the said company to receive from the  
said trust the sum of      [Here set out the terms and condi-  
tions, if any, which have been fulfilled.]

## SCHEDULE B.

(Section 28.)

Know all men by these presents that I (or we) (*insert the name  
of the vendor*) in consideration of      dollars paid to  
me (or us) by the Sarnia and Lambton Southern Railway Com-  
pany, the receipt whereof is hereby acknowledged, do grant and  
convey, and I (or we) [*insert the name of any other party*], in  
consideration of      dollars paid to me (or us) by the said Com-  
pany, the receipt whereof is hereby acknowledged, do grant or  
release all that certain parcel (or those certain parcels) of land  
situated (*describe the lands*), the same having been selected and  
laid out by the said company for the purposes of their railway,  
to hold with the appurtenances unto the said Sarnia and Lamb-  
ton Southern Railway Company, their successors and assigns,  
*here insert any other clauses conditions and covenants required*),  
and I (or we) the wife (or wives) of the said      do hereby  
bar      dower in the said lands.

As witness my (or our) hand and seal (or hands and seals),  
this      day of      , one thousand eight hundred  
and

Signed, sealed and delivered }  
in the presence of }

---

1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to incorporate the Sarnia and Lamb-  
ton Southern Railway Company.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

Mr.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to incorporate the Sarnia and Lambton Southern  
Railway Company.



WHEREAS Charles Mackenzie, Thomas Kenny, James King, Preamble.

Michael Fleming and John Alexander Mackenzie, all of  
the town of Sarnia in the county of Lambton have, by petition  
prayed for an Act of incorporation to build and operate a rail-  
5 way from some point on the river St. Clair, within the  
limits of the town of Sarnia through the townships of  
Sarnia and Enniskillen, to a point at or near the town of  
Petrolia; thence southerly to connect with the Canada  
Southern Railway at or near Oil City, and through or near the  
10 village of Oil Springs, and the township of Dawn, all in the  
county of Lambton, and through the township of Camden to the  
village of Dresden, in the county of Kent; and whereas it is  
expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The said persons in the preamble mentioned, together with Incorporation.  
such other persons and corporations as shall in pursuance of this  
Act become shareholders in said company hereby incorporated,  
20 shall become and are hereby declared to be a body corporate  
and politic, by the name of the "Sarnia and Lambton Southern  
Railway Company."

2. The company hereby incorporated, and their agents or Location of line.  
servants, shall have full power and authority under this Act to  
25 lay out, construct and finish an iron railway from some point at  
or near the river St. Clair, within the limits of the town of Sarnia,  
through the townships of Sarnia and Enniskillen, to a point at  
or near the town of Petrolia; thence southerly to connect with  
the Canada Southern Railway at or near Oil City, and through  
30 or near the village of Oil Springs, and the township of Dawn,  
all in the county of Lambton, and through the township of  
Camden to the village of Dresden in the county of Kent.

3.  The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches. 

35 4. The capital of the company hereby incorporated shall be Capital stock.  
four hundred thousand dollars, with power to increase the same  
in the manner provided by the Railway Act of Ontario, to be  
divided into four thousand shares of one hundred dollars each,  
and shall be raised by the persons and corporations who may be-  
40 come shareholders in such company; and the money so raised  
shall be applied, in the first place, to the payment of all expenses

for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and working of the said railway and the purposes of this Act.

5

Provisional directors.

5. Charles Mackenzie, Thomas Kenny, James King, Michael Fleming, and John Alexander Mackenzie shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the share-10 holders.

Powers of provisional directors.

6. The said board of provisional directors shall have full powers to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right 15 of way, station grounds, terminal grounds, and gravel pits; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act of *Ontario* 20 are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least *four* weeks' notice in the *Ontario Gazette*, and in one paper published 25 in the town of Sarnia, and in one published in the town of Chatham, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who, in their judgment would hinder, or delay, 30 or embarrass the company in proceeding with their railway.

First election of directors.

7. When, and as soon as shares to the amount of *fifty* thousand dollars, in the capital stock of the company shall have been subscribed, and ten per centum thereof shall have been paid into one of the chartered banks of the Dominion, 35 *having an office in the Province of Ontario*, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least *four* weeks' notice in two newspapers, one published in the town of Sarnia, and 40 one in the town of Chatham, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect 45 six persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, who together with ex-officio directors under the Railway Act of *Ontario*, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election. 50

Application of moneys paid in.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall

be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section six.

10. Thereafter the general annual meeting of the shareholders of said company shall be held in the town of Sarnia at such time and place as shall be appointed by By-laws of the said Company, and public notice thereof shall be given as provided in section six. Annual meetings.

11. Special general meetings of the shareholders of said company may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the By-laws of said company, upon such notice being given as is provided in section six. Special meetings.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up. Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company. Rights of aliens.


14. At all meetings of the board of directors five directors shall form a quorum. Quorum of directors.

15. The said company may receive from any government, or from any persons, or bodies corporate, or municipal corporation, who may have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.



16. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities. Proviso.

17. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall be first presented to the council expressing a desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, Provisions as to bonus by-laws.





and submit the same for the approval of the qualified voters; (2) in the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act; (3) 5 in the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the Municipal Act as aforesaid; (4) in the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 



Provisions for referring to arbitration disputes as to bonus by-laws.

**18.**  In case of aid from a county municipality, fifty 15 resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not be included therein, and upon 20 deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county 25 town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be 30 final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, 35 then by the railway company or the county, as the arbitrators may order. 



"Minor municipality," meaning of.

**19.**  The term minor municipality shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county muni- 40 cipality. 


Deposit for expenses.

**20.**  Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.  45


If by-law carried, council to pass same.



**21.**  In case the by-law submitted be approved and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.  50

By-law, what to contain.



**22.**  Such by-law shall in each instance provide: (1) for raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or





minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;  
 (2) for assessing and levying upon all ratable property lying  
 5 within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective  
 10 municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 

**23.**  Within one month after the passing of such by-law the said council, and the mayor, warden, reeve or other officers  
 15 thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 



Issue of debentures.

**24.**  In case any such loan, guarantee or bonus be so granted by a portion of the township municipality, the rate to  
 20 be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion of such municipality. 



Rate to be levied on portion of municipality granting bonus.

**25.**  The provisions of the Municipal Act, and the amendments thereto, so far as the same are not inconsistent  
 25 with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 

Provisions of Municipal Act to apply.

**26.**  Any municipality or portion of a township municipality interested in the construction of the road of the said  
 30 company, may grant aid by way of bonus to the said company towards the construction of said road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law : Provided, that such aid shall not require the levying of a  
 35 greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. 

Rate not exceeding three cents on the dollar valid.  
Proviso.

**27.**  It shall be lawful for the corporation of any municipality through any part of which the railway of the said  
 40 company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation: or to agree to a certain sum per annum, or otherwise in gross, or by way of commu-  
 45 tation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. 

Exemption from or agreement as to taxes authorized.

**28.** Whenever any municipality, or portion of a town-  
 50 ship municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the By-law author-  
 Trustees of debentures.

izing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures.

**29.** The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the By-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the Sarnia and Lambton Southern Railway Municipal Trust account, and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the By-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the By-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trustees' fees.



**30.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipal directors.

**31.** Any municipality which shall grant a bonus of not less than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality.

Grants of land by Municipality.



**32.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic, or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

33.  The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; Provided, that no such extension shall be for a longer period than one year. 


Extension of time for commencement.

34. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for completion.

35.  Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. 

Power to purchase whole lots.

36.  When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to take gravel, etc., for construction or maintenance.


37. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so ac-

Sidings to quarries and gravel pits.



quired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

5

(2.) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply. 

Issue of bonds.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special 10 general meeting to be called from time to time for that purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking ; 15 and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims, and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the 20 said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid ; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount 25 of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario or Quebec ; and 30 provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are 35 attached to shareholders ; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. 40

Commence-  
ment and  
completion.

**39.** The railway shall be commenced within *two* years and be completed within six years from the passing of this Act.

Agreements  
with other  
companies.

**40.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies lawfully authorized in that behalf, for leasing or hiring from 45 such other company or companies any locomotives or other movable property, and generally to make any agreement or agreements with any other company lawfully authorized in that behalf, touching the use by one or the other, or by both companies, of the rolling stock, *of* either or both or any part 50 thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof ; provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general 55



special meeting to be called for the purpose according to the By-laws of the company and provisions of this Act, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 5

Power to mortgage bonds.

**41.** The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

**42.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. 10 15



Form of conveyances.

**43.** Conveyances of lands to the said company for the purpose of and powers given by this Act made in the form set out in Schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 20 25

Power to purchase land for warehouses, etc.

**44.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. 30 35

Telegraph and telephones.

**45.**  For the purpose of constructing, working, and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.  40

Extension of time for fulfilment of conditions on which aid granted.

**46.** In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable. 45

## SCHEDULE A.

(Section 29.)

## CHIEF ENGINEER'S CERTIFICATE.

The Sarnia and Lambton Southern Railway Company's Office,  
Engineer's Department.

No. . . . . A.D. 188 .  
Certificate to be attached to cheques drawn on the Sarnia and  
Lambton Southern Railway Company Municipal Trust  
Account, given under Section chapter . of the Acts  
of the Legislature of Ontario, passed in the . year of  
Her Majesty's reign.

I, . . . . . chief engineer for the Sarnia and  
Lambton Southern Railway Company, do certify that the said  
company has fulfilled the terms and conditions necessary to be  
fulfilled under the by-law number . of the . of  
(or under the agreement dated the . day  
of . between the corporation of . and the  
said company), to entitle the said company to receive from the  
said trust the sum of [Here set out the terms and condi-  
tions, if any, which have been fulfilled.]

## SCHEDULE B.

(Section 43.)

Know all men by these presents that I (or we) (*insert the name  
of the vendor*) in consideration of . . . . . dollars paid to  
me (or us) by the Sarnia and Lambton Southern Railway Com-  
pany, the receipt whereof is hereby acknowledged, do grant and  
convey, and I (or we) [*insert the name of any other party*], in  
consideration of . . . . . dollars paid to me (or us) by the said Com-  
pany, the receipt whereof is hereby acknowledged, do grant or  
release all that certain parcel (or those certain parcels) of land  
situated (*describe the lands*), the same having been selected and  
laid out by the said company for the purposes of their railway,  
to hold with the appurtenances unto the said Sarnia and Lamb-  
ton Southern Railway Company, their successors and assigns,  
(*here insert any other clauses conditions and covenants required*),  
and I (or we) the wife (or wives) of the said . . . . . do hereby  
bar . . . . . dower in the said lands.

As witness my (or our) hand and seal (or hands and seals),  
this . . . . . day of . . . . . , one thousand eight hundred  
and . . . . .

Signed, sealed and delivered }  
in the presence of }



1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the Sarnia and Lambton Southern Railway Company.

*(Reprinted as amended.)*

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First Reading, 11th February, 1884.

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*(PRIVATE BILL.)*

Mr. McCraney.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the "Dawn Tramway Company."

**W**HEREAS, John T. Sill of the city of Detroit, in the State of Michigan, Gentleman, and Alexander Trerice, and W. H. Livingstone, both of the town of Dresden, in the County of Kent, Esquires, have petitioned that an Act may be passed incorporating them under the name of the Dawn Tramway Company, and authorizing the construction, operation, and maintenance of a tramway from a point on the river Sydenham at or near the town of Dresden, to a point at or near Oil City, on the Canada Southern Railway, in the County of Lambton; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The said John T. Sill, Alexander Trerice, and W. H. Livingstone, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Dawn Tramway Company.

Incorporation.

**2.** The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

Railway Act,  
R. S. O., c.  
165, incorporated  
herewith.

**3.** The said Company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near the town of Dresden, in the County of Kent, on the river Sydenham, to a point at or near Linwood on the Canada Southern Railway, in the County of Lambton, with full power to pass over any portion of the country between the points aforesaid; the company may haul or permit to be hauled over its line all traffic offered at such rates, and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council.

Powers of  
company.

Gauge. 4. The said tramway may be of any gauge.

Agreements  
with other  
companies.

5. The company shall have power to purchase iron and other material for any term of years from any Railway Company lawfully authorized to enter into such agreement, and they shall also have power to lease or sell the said tramway to any railway company, or to make any agreement with any railway company, lawfully authorized in that behalf, for operating or partially operating the said tramway. 5

Carriage of  
passengers by  
company.

6. The said company may, but shall not be bound, to operate the said tramway for passenger traffic. 10

Right to abandon  
tramway.

7. The company may at the end of ten years, or at any subsequent period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and, in such case all lands required for the purpose of said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway or in the person now owning the same, his heirs and assigns. 15

Number of directors and  
mode of  
election.

8. The number of the directors of the company shall be four, who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the town of Dresden, on the first Monday in each year, three of whom shall form a quorum, for the transaction of business, the first annual meeting shall be held on the first Monday in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors. 20 25

First  
directors

9. The said John T. Sill and Alexander Trerice shall be first directors of the company.

Capital.

10. The capital of the company hereby incorporated shall be \$50,000 (fifty thousand dollars), with power to increase the same in the manner provided by the Railway Act of Ontario, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of said tramway. 30 35 40



1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Dawn Tramway  
Company.

First Reading                      , 1884.

(*PRIVATE BILL.*)



Mr. McCraney.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.




## An Act to incorporate the "Dawn Tramway Company."

**W**HEREAS, John T. Sill, Alexander Trerice, *Charles Livingstone, Collins B. Hubbard, William H. Fox, D. H. Sill, Charles Fox, and Daniel McCraney*, have petitioned that an Act may be passed incorporating them under the name of the Dawn Tramway Company, and authorizing the construction, operation, and maintenance of a tramway from a point on the river Sydenham at or near the town of Dresden, to a point at or near *Inwood*, on the Canada Southern Railway, in the County of Lambton,  and with a branch running from a point on said tramway near lot twenty-five in the sixth concession of the township of Dawn to a point at or near Oil City, on the Canada Southern Railway ; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said John T. Sill, Alexander Trerice, *Charles Livingstone, Collins B. Hubbard, William A. Fox, D. H. Sill, Charles Fox, and Daniel McCraney*, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Dawn Tramway Company.

2. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

3. The said Company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near the town of Dresden, in the County of Kent, on the river Sydenham, to a point at or near Inwood on the Canada Southern Railway, in the County of Lambton,  and with a branch running from a point on said tramway near lot twenty-five in the sixth concession of the township of Dawn, to a point

Preamble.

Incorporation.

Railway Act,  
R. S. O., c.  
165, incorpor-  
ated herewith.Powers of  
company.

at or near Oil City, on the Canada Southern Railway, ~~and~~ with full power to pass over any portion of the country between the points aforesaid; the company *shall* haul or permit to be hauled over its line all traffic offered at such rates, and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council. 5

Gauge.

4. The said tramway may be of any gauge.

Agreements  
with other  
companies.

5. The company shall have power to purchase iron and other material for any term of years from any Railway Company lawfully authorized to enter into such agreement, and they shall also have power to lease or sell the said tramway to any railway company, or to make any agreement with any railway company, lawfully authorized in that behalf, for operating or partially operating the said tramway. 10

Aid to com-  
pany.

6. The said company may receive from any private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act. 15

Carriage of  
passengers by  
company.

7. The said company may, but shall not be bound, to operate the said tramway for passenger traffic. 20

Right to abandon  
tramway.

8. The company may at the end of ten years, or at any *previous* period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and, in such case all lands *acquired* for the purpose of said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway or in the person now owning the same, his heirs and assigns. 25

Number of di-  
rectors and  
mode of  
election.

9. The number of the directors of the company shall be *five* who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the town of Dresden, on the first Monday in each year, three of whom shall form a quorum, for the transaction of business; the first annual meeting shall be held on the first Monday in *April*, in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors. 30

First  
directors

10. The said John T. Sill, Charles Fox, William H. Fox, D. H. Sill, and Daniel McCraney shall be first directors of the company. 40

Capital.

11. The capital of the company hereby incorporated shall be \$50,000 (fifty thousand dollars), with power to increase the same in the manner provided by the Railway Act of Ontario, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of said tramway. 45 50



1st Session, 5th Legislature, 47 Vic, 1884.

---

BILL.

An Act to incorporate the Dawn Tramway  
Company.

*(Reprinted as amended.)*

---

First Reading, 11th February, 1884.

---

*(PRIVATE BILL.)*

Mr. McCraney.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

**W**HEREAS the Corporation of the Village of Brockton have Preamble.  
by petition set forth that they have incurred debts for  
work or improvements (including drainage), done or constructed  
as local improvements, under the provisions of the Municipal  
5 Act, no valid By-law having been passed authorizing such work  
or providing for the borrowing of the money or for making  
assessments for such work or improvements, and that they are  
desirous of being authorized to cause an assessment to be made  
and to pass By-laws to provide funds for the payment of the  
10 debts so incurred for said work or improvements; and it is  
deemed expedient to grant the prayer of the said petition;  
and whereas said petition further sets forth that doubts have  
been raised as to the validity of certain debentures issued  
by the said Municipality for school purposes, and as to the  
15 power of the said Municipality to issue valid debentures for  
school purposes, and it is deemed expedient to remove said  
doubts;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. In any case where a debt has been incurred for work or  
improvements, including drainage, done or constructed as local  
improvements without a By-law, or valid By-law, authorizing  
such work or improvements, or providing for the borrowing  
25 of the money therefor, it shall be lawful for the Council of the  
said Municipality, and they are hereby authorized, to cause an  
assessment or assessments to be made, and to pass a By-law or  
By-laws to provide funds for the payment of the debts so incur-  
red for the said work or improvements.

Power to pass  
By-laws and  
make assess-  
ments for local  
improvements  
already con-  
structed.

30 2. In making such assessment and in passing such By-law  
or By-laws, the amounts to be provided for shall be the amount  
remaining unpaid in respect of such work or improvements,  
after crediting the amounts (if any), paid by the owners of  
property under any assessment made to pay any such debt or  
35 debts.

Assessment to  
be for amount  
remaining  
unpaid.

3. In ascertaining and determining the proportions in which  
the assessment is to be made on the various portions of real  
estate so benefited by such work or improvements, the amount  
paid by any owner of such property shall be taken into consid-  
40 eration and credited to such owner.

Amount paid  
by any owner  
to be consider-  
ed in deter-  
mining assess-  
ment on his  
property.

Cost of several works may be grouped. 4. It shall be lawful for the said Council to group together in one or more By-laws the cost of providing for any two or more of such works or improvements.

Exemption of property from assessment. 5. If it appear inequitable that any real property fronting or abutting upon the street or place whereon or wherein the said improvement or work has been done, should pay any portion of the cost of doing such work or improvement, it shall be lawful for the said Council in making the new assessment or assessments to exempt such property, such exemption, however, to be subject to revision by the Court of Revision, and to appeal therefrom to the Judge of the County Court, as in other cases. 10

Assessments confirmed in certain cases. Municipality to be separate from school section 22. 6. In any such case where the scheme of assessment provided by the By-law provides a sum sufficient to pay such indebtedness and where the assessment has been confirmed by the Court of Revision or Judge on appeal, the said By-law and assessment are hereby confirmed and the same and the debentures issued under the said By-law are hereby declared valid, and if the debentures remain unsold new debentures may be issued in such amounts as may be convenient, in lieu of the debentures so unsold. 20

Acts of School Board, etc., confirmed. 7. The said Municipality is hereby declared for school purposes to be separate from school section number twenty-two and all acts, deeds and things done by the School Board, or by the said Village, at the request of the said Public School Board since the incorporation of the said Village, are hereby declared to be valid and binding, notwithstanding any defect in, or non-observance of, formal steps for altering the boundaries of said section, or separating the said Municipality from said section after the incorporation thereof, and the said School Board is hereby declared to have all the rights, powers and privileges conferred on Public School Boards of Villages by any Act or Acts of the Legislature of Ontario. 25 30



BILL.

An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

MR. GRAY.

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.



An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

WHEREAS the corporation of the Village of Brockton have, Preamble.  
by petition set forth that they have incurred debts for works or improvements (including drainage), done or constructed as local improvements under the provisions of *The Municipal Act*, without sufficient or valid by-laws having been passed authorizing such works or improvements or providing for the borrowing of the money or for making assessments for such works or improvements, and that they are desirous of being authorized to cause an assessment to be made and to pass by-laws to provide funds for the payment of the debts so incurred for said works or improvements; and it is deemed expedient to grant the prayer of the said petition; and whereas said petition further sets forth that doubts have been raised as to the validity of certain debentures issued by the said municipality for school purposes, and as to the power of the said municipality to issue valid debentures for school purposes, and it is deemed expedient to remove said doubts;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the said Village of Brockton, set forth in schedule A to this Act, the numbers whereof are set out in the third column of the said schedule, being by-laws for the construction of local works or improvements and for general purposes, and the respective debentures issued thereunder, as set out in the first column of the said schedule, with the coupons to the said debentures attached, are hereby declared to be valid and binding upon the said corporation notwithstanding any defect whatever in the said by-laws or debentures or in any way connected therewith. By-laws and debentures confirmed.

2. The said municipality is hereby declared for school purposes to be separate from school section number twenty-two, and all acts, deeds and things done by the school board, or by the said Village, at the request of the said public school board, since the incorporation of the said Village, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of, formal steps for altering the boundaries of said section, or separating the said municipality from said section after the incorporation thereof, as if such municipality had been erected into a school section according to law, and the said school board is hereby declared to have all the rights, powers and privileges conferred on public school boards of Villages by any Act or Acts of the Legislature of Ontario. Separation of village from school section 22, and acts of village and of school board confirmed.

## SCHEDULE A.—(See sec. 1.)

Shewing Local Improvements and General By-laws and Debentures validated by this Act.

## LOCAL IMPROVEMENT BY-LAWS AND DEBENTURES.

No.	Date of issue.	By-law.	Nature of by-law.	Amount.
				\$ c.
1	31st December, 1881.	No. 20	Construction of sidewalk on north side of Florence Street.	79 50
7	1st April, 1882.	No. 32	Construction of sidewalk and boulevard on north side of Bank Street.	127 00
6	1st April, 1882.	No. 37	Construction of sidewalk on south side of Dundas Street.	210 00
8	1st October, 1882.	No. 44	Construction of sidewalk and crossing on south side of Gordon Street.	139 00
9	1st October, 1882.	No. 45	Construction of sidewalk on south side of Florence Street.	35 00
10	1st November, 1882.	No. 46	Grading, fencing and constructing sidewalk upon Jamieson Avenue.	1000 00
11	1st November, 1882.	No. 46	do.	1000 00
12	1st November, 1882.	No. 46	do.	880 00
13	1st November, 1882.	No. 47	Culverts and grading on St. Helen's Avenue.	640 00
	Debentures not yet issued.	No. 65	Construction of sidewalk on north side of Dundas Street.	
	do.	No. 70	do.	

## GENERAL BY-LAWS AND DEBENTURES.

No.	Date of issue.	By-law.	Nature of By-law.	Amount.
				\$ c.
3	1st January, 1883.	No. 51	Erection of Separate School.	3000 00
4	1st January, 1883.	No. 52	For payment of award <i>re</i> school section No. 22, and for other purposes.	1000 00
5	1st January, 1883.	No. 53	Drainage of portion of Village of Brockton.	8200 00



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

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First Reading, 11th February, 1884.

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(*PRIVATE BILL.*)

Mr. GRAY.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to empower the Municipality of the Village of Parkdale to make special Assessments and for other purposes.

WHEREAS the Corporation of the Village of Parkdale have Preamble.  
 by petition set forth that they have incurred debts for  
 work or improvements (including drainage) done or constructed  
 as local improvements, under the provisions of the Municipal  
 5 Act, no valid By-law having been passed authorizing such work  
 or providing for the borrowing of the money or for making  
 assessments for such work or improvements, and they are desir-  
 ous of being authorized to cause an assessment to be made and  
 to pass By-laws to provide funds for the payment of the debts  
 10 so incurred for said work or improvements, and it is  
 deemed expedient to grant the prayer of the said Petition ;  
 and whereas said Petition further sets forth that an Act of  
 this Province was passed in the forty-fourth year of Her Majesty's  
 reign, chaptered 44, providing for the erection of water or gas  
 15 works at the Village of Parkdale, and thirty thousand dollars  
 of the said debentures have already been issued under the  
 authority of the said Act, and it is doubtful whether the provi-  
 sions of the said Act have been strictly complied with, whereby  
 doubts exist as to the validity of the said debentures, and also  
 20 by reason of the non-compliance with the provisions of the said  
 Act doubts exist as to the power of the said Municipality  
 to issue further debentures within the said limits, and it  
 is deemed expedient to remove the said doubts ; and where-  
 as said Petition further set forth that doubts have been raised  
 25 as to the validity of certain debentures issued by the said  
 Municipality for school purposes and as to the power of  
 the said Municipality to issue valid debentures for school pur-  
 poses, and it is deemed expedient to remove said doubts ;  
 Therefore Her Majesty, by and with the advice and consent  
 30 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :

1. In any case where a debt has been incurred for work or  
 improvements, including drainage, done or constructed as local  
 improvements, without a By-law, or valid By-law authorizing  
 35 such work or improvements, or providing for the borrowing of  
 the money therefor, it shall be lawful for the Council of the  
 Municipality, and they are hereby authorized to cause an assess-  
 ment or assessments to be made and to pass a By-law or By-laws  
 to provide funds for the payment of the debts so incurred for  
 40 the said work or improvements.

Power to pass  
 By-laws and  
 make assess-  
 ments for local  
 improvements  
 already con-  
 structed.

2. In making such assessment and in passing such By-law or  
 By-laws, the amounts to be provided for shall be the amount

Assessments  
 to be for

amount re-  
maining un-  
paid.

remaining unpaid in respect to such work or improvements, after crediting the amounts (if any) paid by the owners of property under any assessment made to pay any such debt or debts.

Amount paid  
by any owner  
to be consider-  
ed in deter-  
mining assess-  
ment on his  
property.

3. In ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited by such work or improvements, the amount paid by any owner of such property shall be taken into consid-  
eration and credited to such owner. 5

Cost of several  
works may be  
grouped.

4. It shall be lawful for the said Council to group together in one or more By-laws the cost of providing for any two or more of such works or improvements. 10

Exemption of  
property from  
assessment.

5. If it appear inequitable that any real property fronting or abutting upon the street or place whereon or wherein the said improvements or work has been done should pay any portion of the cost of doing such work or improvement, it shall be lawful for the said Council, in making the new assessment or assessments, to exempt such property, such exemption, however, to be subject to revision by the Court of Revision and to appeal therefrom to the Judge of the County Court as in other cases. 15

Assessments  
confirmed in  
certain cases.

6. In any such case where the scheme of assessment provided by the By-law provides a sum sufficient to pay such indebtedness and where the assessment has been confirmed by the Court of Revision or Judge on appeal, the said By-law and assessment are hereby confirmed and the same and the debentures issued under said By-law are hereby declared valid, and if the debentures remain unsold new debentures may be issued in such amounts as may be convenient in lieu of the debentures so unsold. 20 25

Debentures  
issued under  
44 V. c. 44  
confirmed.

7. All debentures issued under the provisions of the said Act respecting water or gas works shall be, and the same are hereby confirmed and rendered valid, notwithstanding any want of form or non-compliance with the provisions of the said Act. 30

Debentures  
may be issued  
from time to  
time within  
limit provided  
by 44 V. c. 44.

8. The said Municipality is empowered within the limit provided by the said Act, to wit, the sum of one hundred thousand dollars, from time to time to issue such debentures as they may require to provide for the cost of works already completed or works to be performed, following, so far as circumstances will permit, the form provided by the said Act. 35

Municipality  
to be separated  
from school  
Section 22.  
Acts of School  
Board, &c.,  
confirmed.

9. The said Municipality is hereby declared for school purposes to be separate from School Section No. 22, and all acts, deeds and things done by the School Board or by the said village at the request of the said Public School Board since the incorporation of the said village are hereby declared to be valid and binding, notwithstanding any defect in, or non-observance of formal steps, altering the boundaries of said section or separating the said Municipality from said section after the incorporation thereof, and the said School Board is hereby declared to have all the rights, powers and privileges conferred on Public School Boards of Villages by any Act or Acts of the Legislature. 40 45



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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

Act to empower the Municipality of the  
Village of Parkdale to make Special  
Assessments, and for other purposes.

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First Reading,                      , 1884.

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*(PRIVATE BILL.)*

Mr. GRAY.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act Respecting the Union of Certain Methodist Churches Therein Named.

**W**HEREAS the Methodist Church of Canada, the Methodist Episcopal Church in Canada, the Primitive Methodist Church in Canada, and the Bible Christian Church of Canada have agreed to unite under the name of "The Methodist Church," on the Basis of Union adopted by the said four denominations, and the Rules, Regulations and Discipline also adopted by the said four denominations in a General Convention or Conference, assembled at the City of Belleville, on the fifth day of September, 1883, which Basis of Union, Rules, Regulations and Discipline are found in the Journal of the said Conference, published at the City of Toronto, by the Reverend William Briggs, in the said year, and also in the Book of Discipline published by the said Reverend William Briggs at Toronto in the year 1884; and whereas the said four denominations have by Petition set forth that they are desirous of having the said Union ratified, and have petitioned the Parliament of Canada for an Act to incorporate the said Churches under the name of "The Methodist Church," and are desirous of having an Act passed by the Legislature of this Province to ratify and confirm the said Union, and to vest in the said Methodist Church all the property in Ontario now vested or held in trust for each of the said Churches, upon such trusts and for such purposes as are declared in said Act of incorporation, and to confer upon the said Church such further powers as may be requisite, and whereas it is expedient to grant the prayer of the said Petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Basis of Union of the said Churches is hereby ratified and confirmed. Basis of Union ratified.

2. As soon as the said Act of incorporation shall have been passed, all the property, real and personal, within the Province of Ontario, now belonging to or held in trust for or to the use of the said denominations or any of them, or belonging to or held in trust for or to the use of any Corporation under the dominion, government, or control of any of the said four denominations, shall henceforth be vested in and held, used, and administered for the benefit of the said Methodist Church, upon the trusts and for the ends and purposes declared in said Act of incorporation. Property of the denominations to be vested in the Methodist Church.

3. As soon as the said Act of incorporation shall have been passed, all the property, real or personal, within the Province, Property of congregations

to be held for  
the benefit of  
the Methodist  
Church.

now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said denominations, shall henceforth be held, used and administered for the benefit of the said Methodist Church upon the trusts set out in the first schedule to the said Act of incorporation, and the trustees acting on said trusts for any of said Congregations at the date of the coming into force of this Act shall, notwithstanding any irregularity in their appointment, and notwithstanding their number shall not correspond with the number named in the deed of conveyance of said property, be deemed to be, and shall be, the trustees of the said property named in said deed ; provided, however, that if said number be less than five, the same shall be increased to at least five, so soon as conveniently may be after the said date of coming into force of this Act.

Proviso.

Where words  
in column 1 of  
schedule to be  
taken as equivalent  
to words  
in column 2.

4. The form of words contained in column one of said schedule, and distinguished by any number therein, shall be taken to be equivalent to the form of words contained in column two of said schedule and distinguished by the same number.

The Corporations of Alma College, Wesleyan Ladies' College and Ontario Ladies' Coll. to stand in the same relation to the Methodist Church as they previously stood to the several denominations.

5. As soon as the said Act shall come into force, the Corporation of Alma College at St. Thomas shall stand in the same relation to the Methodist Church in which it now stands to the Methodist Episcopal Church in Canada, and all provisions of an Act passed in the fortieth year of Her Majesty's reign, chaptered 64, intituled "An Act to Incorporate Alma College at St. Thomas," and an Act passed in the forty-third year of Her Majesty's reign, and chaptered 81, intituled "An Act to Amend the Act Incorporating Alma College," shall continue to apply to the said College Corporation ; and all rights, powers and authorities by said Act vested in the General Conference of the Methodist Episcopal Church in Canada shall be vested in, applied to, and be exercised by, the General Conference of the Methodist Church ; and the Corporation of the Wesleyan Ladies' College at Hamilton shall in like manner stand in the same relation, to the Methodist Church in which it now stands to the Methodist Church of Canada ; and all the provisions of an Act of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, and chaptered 112, intituled "An Act to Incorporate the Wesleyan Female College of Hamilton," as amended by an Act of the Province of Ontario passed in the thirty-third year of Her Majesty's reign, and chaptered 53, and further amended by an Act passed in the forty-fifth year of Her Majesty's reign, and chaptered 88, shall continue to apply to the said College and Corporation ; and all the rights, powers and authorities by the said Act vested in the Conference of the Methodist Church in Canada shall be vested in, applied to, and be exercised by, the General Conference of the Methodist Church ; and the Corporation of the Ontario Ladies' College shall in like manner stand in the same relation to the Methodist Church in which it now stands to the Methodist Church of Canada ; and all the provisions of an Act passed in the forty-first year of Her Majesty's reign, and chaptered 68, shall continue to apply to said College and Corporation ; and all the rights, powers and authorities by the said Act vested in the General or Annual Conference of said Methodist Church in Canada shall be vested in, applied to, and exercised by, the General Conference of the Methodist Church or the Annual Conference within whose limits said College may be situate.

6. The power conferred upon the said Corporation by the Parliament of Canada to take hold and receive any real or personal estate by virtue of any devise contained in any last Will and Testament of any person whatsoever, shall not be limited by any Statute or Statutes of Mortmain, or by the provisions of Chapter 216 of the Revised Statutes of Ontario.

Devises shall not be limited by the Statutes of Mortmain, or by R.S.O., c. 216.

7. All deeds of conveyance executed before the passing of this Act for any of the uses, interests, or purposes of any of the above-mentioned denominations, shall be valid and effectual in the same manner and to the same extent as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the lands embraced in the said deeds, and the non-registration of any such deed or conveyance executed before or after the passing of this Act shall not render the same void; but if the same shall not be registered within twelve months after the passing of this Act, or twelve months after the execution thereof respectively, each of the trustees named in any such deed shall be liable to a penalty of five dollars for each and every year the same shall remain unregistered, and said penalty shall be recoverable for his own benefit with costs, by civil action at the suit of any person before any court having jurisdiction to the amount of said penalty in cases of simple contract.

Deeds of conveyance to be valid as if registered within twelve months after execution.

8. Each and every Registrar of every county in which any of the lands affected by this Act lie, upon receiving notification from the President or Secretary of the General Conference, or of any Annual Conference within the bounds of which such county may lie, of this Act coming into force, and the lands in said county affected thereby, shall enter a note or memorandum thereof, giving the number and title of the Act and the date of the passing thereof upon the record of title of each lot or parcel of land affected thereby.

Penalty against trustees for non-registration.

9. All copies of the Basis of Union, Rules, Regulations, and Discipline, or any amendments or alterations thereof published in any Book of Discipline or Minutes of Conference under the direction or authority of the General Conference of the said Church, or a copy of any By-law or Resolution of said General Conference under the seal of the Corporation, shall be *prima facie* evidence in all courts of the contents thereof.

County Registrars upon notification to enter a note as to lands affected by this Act.

10. All Acts and portions of Acts inconsistent with the provisions of this Act are hereby repealed, in so far as may be necessary to give full effect to this Act.

Evidence of Rules, &c. Repeal.

An Act respecting the Union of certain  
Methodist Churches therein named.

(PRIVATE BILL.)

TORONTO:



An Act Respecting the Union of Certain Methodist Churches therein named.

WHEREAS the Methodist Church of Canada, the Methodist Preamble.  
 5 Episcopal Church in Canada, the Primitive Methodist Church in Canada, and the Bible Christian Church of Canada have agreed to unite under the name of "The Methodist Church," on the Basis of Union adopted by the said four denominations, and the Rules, Regulations and Discipline also  
 10 adopted by the said four denominations in a General Convention or Conference, assembled at the City of Belleville, on the fifth day of September, 1883, which Basis of Union, Rules, Regulations and Discipline are found in the Journal of the said Conference, published at the City of Toronto, by the Reverend  
 15 William Briggs, in the said year, and also in the Book of Discipline published by the said Reverend William Briggs at Toronto in the year 1884; and whereas the said four denominations have by Petition set forth that they are desirous of having the said Union ratified, and have petitioned the Parliament of  
 20 Canada for an Act to incorporate the said Churches under the name of "The Methodist Church," and are desirous of having an Act passed by the Legislature of this Province to ratify and confirm the said Union, and to vest in the said Methodist Church all the property in Ontario now vested or held in trust  
 25 for each of the said Churches, upon *the trusts set forth in the Schedule A to this Act*, and to confer upon the said Church such further powers as may be requisite; and whereas it is expedient to grant the prayer of the said Petition;  
 Therefore, Her Majesty, by and with the advice and consent  
 30 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *So far as the Legislature of Ontario has authority to* Basis of Union  
*enact the said Basis of Union of the said Churches is hereby* ratified.  
 ratified and confirmed.

2. As soon as the said Act of incorporation shall *come into* Property of  
 35 *force*, all the property, real and personal, within the Province of Ontario, now belonging to or held in trust for or to the use of the said denominations or any of them, or belonging to or held in trust for or to the use of any Corporation under the government, or control of any of the said four denominations, shall henceforth be vested in and held, used, and administered for the benefit of the said Methodist Church, upon the trusts and for the ends and purposes declared in said Act of incorporation.

3. As soon as the said Act of incorporation shall *come into* Property of  
 45 *force*, all the property, real or personal, within the Province, congregations

to be held for the benefit of the Methodist Church.

now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said denominations, shall henceforth be held, used and administered for the benefit of the said Methodist Church upon the trusts set out in the *said* schedule to this Act, and the trustees acting on said trusts for any of said Congregations at the date of the coming into force of this Act shall, notwithstanding any irregularity in their appointment, and notwithstanding their number shall not correspond with the number named in the deed of conveyance of said property, be deemed to be, and shall be, the trustees of the said property named in said deed ; provided, however, that if said number be less than five, the same shall be increased to at least five, so soon as conveniently may be after the said date of coming into force of this Act.


Proviso.

Where words in column 1 of schedule to be taken as equivalent to words in column 2.


4. The form of words contained in column one of said schedule, and distinguished by any number therein, shall be taken to be equivalent to the form of words contained in column two of said schedule and distinguished by the same number.

The Corporations of Alma College, Wesleyan Ladies' College and Ontario Ladies' Coll. to stand in the same relation to the Methodist Church as they previously stood to the several denominations.

5. As soon as the said Act shall come into force, the Corporation of Alma College at St. Thomas shall stand in the same relation to the Methodist Church in which it now stands to the Methodist Episcopal Church in Canada, and all provisions of an Act passed in the fortieth year of Her Majesty's reign, chaptered 64, intituled "An Act to Incorporate Alma College at St. Thomas," and an Act passed in the forty-third year of Her Majesty's reign, and chaptered 81, intituled "An Act to Amend the Act Incorporating Alma College," shall continue to apply to the said College Corporation ; and all rights, powers and authorities by said Act vested in the General and Annual Conferences *respectively* of the Methodist Episcopal Church in Canada shall be vested in, applied to, and be exercised by the General and Annual Conferences *respectively* of the Methodist Church ; and the Corporation of the Wesleyan Ladies' College at Hamilton shall in like manner stand in the same relation to the Methodist Church in which it now stands to the Methodist Church of Canada ; and all the provisions of an Act of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, and chaptered 112, intituled "An Act to Incorporate the Wesleyan Female College of Hamilton," as amended by an Act of the Province of Ontario passed in the thirty-third year of Her Majesty's reign, and chaptered 53, and further amended by an Act passed in the forty-fifth year of Her Majesty's reign, and chaptered 88, shall continue to apply to the said College and Corporation ; and all the rights, powers and authorities by the said Act vested in the Conference of the Methodist Church of Canada shall be vested in, applied to, and be exercised by, the General Conference of the Methodist Church ; and the Corporation of the Ontario Ladies' College shall in like manner stand in the same relation to the Methodist Church in which it now stands to the Methodist Church of Canada ; and all the provisions of an Act passed in the forty-first year of Her Majesty's reign, and chaptered 68, shall continue to apply to said College and Corporation ; and all the rights, powers and authorities by the said Act vested in the General or Annual Conference of said Methodist Church of Canada shall be vested in, applied to, and exercised by, the General Conference of the Methodist Church or the Annual Conference within whose limits said College may be situate.

**6.** The said corporation shall have for the purposes and objects thereof all the powers, rights, privileges and franchises conferred upon the connexional society of the Wesleyan Methodist Church in Canada by the Act of the Legislature of the late Province of Canada, passed in the fourteenth and fifteenth years of the reign of Her Majesty, chapter 142, as amended by the Act of the Legislature of this Province, passed in the thirty-eighth year of the reign of Her Majesty, chapter seventy-eight. 

Corporation to have powers, etc., conferred on Wesleyan Methodist Church by 14-15 V. c. 142, and 38 V. c. 78.

**7.** All deeds of conveyance executed before the passing of this Act for any of the uses, interests or purposes of any of the above-mentioned denominations, shall be valid and effectual in the same manner and to the same extent as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the lands embraced in the said deeds, and the non-registration of any such deed or conveyance executed before or after the passing of this Act shall not render the same void. 

Deeds of conveyance heretofore executed to be valid as if registered within twelve months after execution.

**8.** All copies of the Basis of Union, Rules, Regulations, and Discipline, or any amendments or alterations thereof published in any Book of Discipline or Minutes of Conference under the direction or authority of the General Conference of the said Church, or a copy of any By-law or Resolution of said General Conference, *purporting to be certified to be a true copy*, under the seal of the Corporation, *and the hand of the Secretary of the General Conference*, shall be *prima facie* evidence in all courts of the contents thereof.

Evidence of Basis of Union, Rules, etc.

**9.** All Acts and portions of Acts inconsistent with the provisions of this Act are hereby repealed, in so far as may be necessary to give full effect to this Act.

Repeal.

**10.** *This Act may be known and cited as "The Methodist Church Act, 1884," and shall come into force on the first day of June next, after the passing thereof.*

Short title. Commencement of Act.



## SCHEDULE A.

## COLUMN ONE.

1. Upon trust to build a church and other buildings.

2. To permit buildings to be used as a church by the Methodist Church.

3. To permit dwelling house on said premises to be

## COLUMN TWO.

1. Upon trust that they, the said trustees and their successors, or the trustee or trustees for the time being, acting in the trusts herein, shall and do with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon as conveniently may be, erect and build upon the land held in trust, or some part thereof, and from time to time and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts or any of them, repair, alter, enlarge and rebuild a church or place of religious worship, and a dwelling-house or dwelling-houses, vestry room or vestry rooms, school room or school rooms and other offices, conveniences and appurtenances, or with or without any of them respectively, as the trustees for the time being shall, from time to time, deem necessary or expedient.

2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship, with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Methodist Church, and for public and other meetings and services of a religious or spiritual character, held according to the rules, discipline and general usages of the said church, and do and shall, from time to time, and at all times hereafter, permit and suffer such person or persons as are hereinafter mentioned or designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of religious worship therein, and burial service in the burying ground thereto belonging; that is to say, such person and persons as shall be from time to time approved, and for that purpose duly appointed thereto in accordance with the rules and discipline of the said Methodist Church, and no other person or persons whomsoever.

3. And upon further trusts from time to time, and at all times hereafter, to permit and suffer such minister or min-



used by the minister in charge.

isters of the aforesaid Methodist Church to reside in, use, occupy and enjoy free from the payment of any rent for the same, the dwelling house or dwelling houses, with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed in accordance with the rules and discipline of the said Methodist Church, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the Methodist Church, and that the officiating minister for the time being, whether appointed by the said conference, or permitted or appointed by the said superintendent minister for the time being, or otherwise permitted or appointed, as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and discipline and general usage of the said Methodist Church; Provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's Holy Word, or to perform any of the usual acts of religious worship upon the said parcel or tract of land and hereditaments, or in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, or in or upon the appurtenances thereto belonging, or any of them, or any part or parts thereof, who shall maintain, promulgate or teach any doctrine or practice contrary to what is contained in certain notes on the New Testament, commonly reputed to be the notes of John Wesley, and in the first four volumes of sermons commonly reputed to be written and published by him.

4. To permit Sunday schools to be carried on in said church.

4. And upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof, as aforesaid, or if there shall be no separate

school room or school rooms, and it shall, by the said trustees, or the major part thereof, be thought necessary or expedient to hold and teach a Sunday school in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday school to be held, conducted and carried on from time to time in said school room, or school rooms, or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein, and in all cases, whether in said church or place of religious worship or not, under such government, orders and regulations as the general conference of the said Methodist Church have directed or appointed, or shall hereafter, from time to time, direct or appoint, and also subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove buildings, and to rebuild.

5. Provided always, that it shall be lawful for the said trustees, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship or premises belonging or appertaining, or all or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, or conveniences or appurtenances, or enlarging or altering the same respectively, or all or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage.

6. It is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the said trustees, or the major part of them, to mortgage and for that purpose to appoint, convey and assure, in fee or for

any term or terms of years, the said parcel or tract of land, church or place of religious worship, hereditaments and premises or any part or parts thereof respectively, to any person or persons whomsoever for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents or any of them, according to the true intent and meaning thereof; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency, or propriety of any mortgage or mortgages which shall be made or proposed to be made, under or by virtue of these presents, nor shall anything in these presents contained, or which may be contained in any such mortgage or mortgages, extend or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees, or the major part of them, be therein actually expressed, to hinder, prevent or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them respectively, as in these presents before-mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her, or their heirs, executors, administrators and assigns shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let pews and sittings and dwelling houses, and to sell graves and tombs.

7. And upon further trust, from time to time, and at all times hereafter to let the pews and seats in the said church or place of religious worship at a reasonable rent or reasonable rents (reserving as many free seats where and as may be thought necessary or expedient), and if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them (other than such



as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated), at a reasonable rent or reasonable rents, and also, if there shall be a cemetery or burial ground, to let vaults or tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from the said premises (excepting moneys which shall, from time to time, arise from collections or subscriptions duly made therein according to the rules and discipline and general usage of the said Methodist Church, for other purposes than the immediate purpose of the said trust estate) as, and when, the same shall, from time to time, become due and payable, but not (excepting as to moneys, from time to time received from graves and tombs) by way of anticipation, further than for the quarter or half-year or year, as may be thought most expedient. Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such minister or ministers, it shall and may be lawful for the said trustees, by and with the advice and consent of the superintendent minister of the circuit or station, to let the same and appropriate the rent derived therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

8. Trustees to hold moneys arising therefrom upon trust, to pay taxes, insurance and for repairs, also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the said trustees and trustee for the time being shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid), upon trust, thereout to pay, in the first place, such duties, taxes, rates and other outgoings (if any) as, from time to time, shall be lawfully payable in respect of the said premises or any part or parts thereof, and also the costs, charges and expenses of insuring and keeping insured the said trust premises against loss or damages by fire, in such sum or sums as the said trustees or the major part of them shall, from time



to time, think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises or of any part or parts thereof, by virtue of the trusts hereof, and then to retain to and reimburse themselves respectively all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts hereof or any of them, and in the next place thereout to pay and discharge the necessary costs, charges and expenses, from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges and incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts hereof or any of them, and not included in any of the provisions aforesaid.

9. To apply surplus towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.

9. And upon further trust from time to time to pay and apply any surplus money remaining after the due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid (but according and in conformity to the rules and discipline of the said Methodist Church), for or towards the support of the minister or ministers for the time being respectively, appointed by the said conference or otherwise as aforesaid, either on the circuit in which the said chapel or place of religious worship shall, for the time being, be situated, or on that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship, appropriated to the use of the said Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Methodist Church, and which shall be settled upon trusts, ends, intents and purposes similar hereto; or in subscribing or giving to any of the general funds, objects or charities of the said Methodist Church; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the said trustees, or the major part of them shall, from time to time, think necessary

or expedient; and it is hereby declared that it shall be lawful for the said trustees, or the major part of them (although there shall not then be any such surplus money as aforesaid), from time to time, to subscribe or give such sum or sums of money as they shall think necessary or expedient, and may be conveniently spared from the funds of the said church or place of religious worship, for or towards all or any of the purposes, objects, funds or charities aforesaid.

10. To appoint and remove stewards and treasurers.

10. And it is hereby declared that it shall be lawful for the said trustees, or the major part of them, at any meeting to be convened and held, as hereinafter mentioned, from time to time, and at all times hereafter at their discretion, to appoint any person or persons of decent and sober conduct and good reputation to be a steward or stewards of the said church or place of religious worship, and at their will and pleasure to remove and dismiss such steward or stewards, or any of them; and the duty of the steward or stewards of the said church or place of religious worship shall be to see and attend to the orderly conducting of the secular business and affairs of the said church or place of religious worship, under the direction and superintendence of the said trustees, or the major part of them; and also in like manner to appoint any proper person or persons to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and dismiss such treasurer or treasurers, or any of them.

11. To keep books of account and submit the same for audit.

11. And it is hereby declared that the said trustees shall themselves, or by their steward or stewards, treasurer or treasurers, keep a book or books of account in which, from time to time, shall be plainly, legibly and regularly extended an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of account, and shall also in like manner keep a book or books of minutes in which, from time to time, shall be plainly,

legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business had, taken and done thereat, and also of all documents, matters and things necessary for the due and full explanation and understanding of the same minutes, and all other things done in and about the execution of the trusts hereof; and shall and will, from time to time, and at all seasonable times hereafter, upon the request of the superintendent minister for the time being of the circuit in which the said church or place of religious worship shall, for the time being, be situated, produce and show forth to him and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and permit and suffer copies or abstracts of or extracts from them or any of them to be made and taken by the said superintendent minister or any person or persons whom he shall, from time to time, desire to make and take the same, and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in any wise to the said trust premises shall, at least once in the year and oftener, if the said superintendent shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly, upon a day to be appointed by the said superintendent for the time being, or with his concurrence, examined and audited by the superintendent and the circuit steward or circuit stewards, if more than one, for the time being, of the circuit in which the said church or place of religious worship shall, for the time being, be situate, at a meeting convened for that purpose, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said superintendent for the time being, by any one or more of them, the said trustee or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, circuit stewards and circuit steward, for the time being, and either personally served upon him and them respectively, or left for or sent by the post to him and them at his and their most usual



place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said superintendent, circuit steward and circuit stewards for the time being as aforesaid, or either or any of them, to appoint in writing a deputy or deputies to act therein for them and him respectively, as aforesaid, and for that purpose any one or more of them may be the deputy or deputies of the other or others of them the said superintendent, circuit steward and circuit stewards, and it is hereby declared that the signatures of all of them the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes, respectively, shall be sufficient evidence that all the matters and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is hereby declared that seven days' notice of a special meeting and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of or any addition to or mortgage or sale of the said church or place of religious worship and premises, or any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves, tombs, pews and seats as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be and shall be deemed and taken to be a special meeting; and of every such meeting seven days' notice in writing, specifying the time, place and



purpose or purposes of such meeting, and signed by at least either two of the said trustees or by the superintendent minister for the time being, shall be given to the other and others of them and him the said trustees and superintendent minister (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for, or sent by the post to him and them respectively, at his and their most usual place or places of abode or business; and for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where seven days' notice is expressed or required as hereinbefore mentioned), a meeting of the said trustees may be held with the said superintendent for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees or by the said superintendent for the time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively at his and their most usual place or places of abode or business; Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid, may not or shall not have reached any said trustee or trustees who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to and cannot reasonably be found or discovered by the person or persons who is or are respectively, as aforesaid, authorized to give any such notice or notices as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie, the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting and respecting which such votes shall be given; and in case the votes shall be equally divided, then the chairman of such meeting shall give the casting vote. And it is hereby declared

that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them, and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting, who may be absent, or being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said church, or in the same meeting.

14. That the rules, discipline, doctrines and usages of the church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "rules and discipline and general usage" of the said Methodist Church in these presents mentioned or referred to, are the rules and discipline of the said church, as printed and published by authority of the said conference, in a book entitled "Doctrines and Discipline of the Methodist Church" and the general usage and practice of the societies belonging to said church, and such rules and regulations as may, from time to time, be made or adopted by the said general conference, and printed and published in their journals, in accordance with the provisions contained in said book of discipline, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That superintendent minister or his deputy shall be chairman of meetings of trustees, but in case of absence, trustees may appoint chairman.

15. Provided always, and it is hereby declared, that excepting where the contrary is in these presents expressly declared or provided for, the superintendent minister, for the time being, of the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or his deputy thereunto from time to time by him nominated and appointed in writing, under his hand, shall be the chairman of, and shall preside at, and shall have a

casting vote as such superintendent minister, for and in all meetings held under and by virtue of these presents, but in case the said superintendent minister for the time being, or his deputy to be so appointed as aforesaid, shall at any time neglect to attend at any such meeting as aforesaid, or if the superintendent minister, or his deputy appointed as aforesaid, shall attend but shall refuse to act as such, the chairman at any such meeting as aforesaid; or if the said superintendent minister shall not attend at any such meeting, and shall neglect to appoint a deputy as aforesaid, then and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held upon any such neglect or refusal of the said superintendent minister or his deputy as aforesaid, shall be as valid and effectual as if the said superintendent or his deputy as aforesaid had been the chairman thereof and had presided thereat.

16. Proviso for sale of land with consent of Conference.

16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the said trustees, or a majority of them, with the consent of the said annual conference (such consent to be testified in writing under the hand of the president or secretary for the time being of the said conference), either by joining in the deed of conveyance for the purpose of expressing such consent, or by separate document, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or of such part or parts of the same, respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels and either at one and the same time or at different times and prices, for the best price or prices, in money, that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her or their heirs and assigns, or as he, she, or they shall direct or appoint; and the hereditaments and premises so sold and conveyed and as-



sured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents, and from the trusts hereby declared and every of them; and the said trustees or trustee for the time being shall apply the money which shall arise from every such sale as aforesaid, so far as the same will extend, to the discharge of all the incumbrances, liabilities and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents. or in the due execution of the trusts hereof, or of any of them, and subject thereto, and to the payment of any debts upon any other church property on the said circuit, or for building new churches, or for the purpose of procuring larger and more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and parsonage premises, in the place and stead of the said parcel or tract of land and church or place of religious worship or parsonage and hereditaments and premises so sold or disposed of, and the balance, if any, to be applied to the use of the church parsonage aid fund of the said Methodist Church and the said annual conference. Provided, however, that if any such church or property so sold belonged to the Bible Christian Church prior to the union of the said church with the other Methodist Churches, the surplus, after payment of debts, shall be applied to the reduction of the missionary debts, as provided in the basis of union.

7. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts hereof, and if the said trustees, for the time being, of these presents, shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the



burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the said trustees, for the time being, as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said annual conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same, respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same ; and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint ; and the hereditaments and premises so sold, and conveyed, and assured, as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them ; and all the moneys arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed in respect to any sale made in pursuance or in consequence of such consent of or by the said annual conference, as aforesaid, but it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the said trustees for the time being as aforesaid, or a majority of them, shall give notice in writing to the said annual conference, or to the president for the time being of the said annual conference, on or before the first day of the then next annual meeting of the said annual conference, of their intention to make such sale, and the reasons for the same, nor unless the said annual conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees or trustee for the time being with such pecuniary or other aid, assistance

and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or, (as the case may be), to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the said trustees for the time being shall, in all cases of payment made to them, or any of them as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein, respectively, expressed and acknowledged to have been received by any such trustees or trustee, as aforesaid, and in all cases, except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof, as aforesaid, the receipt and receipts of any one or more of the said trustees for the time being, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors and administrators, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.

19. That purchaser or mortgagee shall not be bound to inquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof, respectively, to inquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being, or the major part of them, as aforesaid, or whether any such notice or notices, as aforesaid, was or were duly

given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers was or were duly authorized to sign and give receipts as aforesaid ; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given, as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the said trustees or trustee for the time being shall not, nor shall any of them, their or any of their heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, or any other or others of them, nor for more money than shall come to their respective hands, or for injury done by others to the said trust premises, nor to any part or parts thereof.

21. That number of trustees shall not be less than five nor more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

21. And it is hereby declared to be the true intent and meaning of this indenture and of the parties thereto, that the full number of the trustees of the said trust shall not be less than five (5) nor more than twenty-one (21), and that when and so often as any one or more of the said trustees or of their successors in the said trust shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Methodist Church, according to the rules and discipline of the said church, or shall remove to such distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said church, or removing as aforesaid, shall thereupon become vacant, subject, however, to the provisoes next hereinafter set out, and



shall be filled with a successor or successors, being a member or members of the said church, of the full age of twenty-one years, to be nominated and appointed as follows, that is to say,—to be nominated by the Methodist Church Minister having charge for the time being of the circuit or station in which the said hereby conveyed premises shall be situate, and thereupon appointed by the surviving or remaining trustee or trustees of the said trust or a majority of them, if he or they shall think proper to appoint the person or persons so nominated, and in case of an equal division of the votes of the trustees present at any meeting of the trustees held for the purpose of such appointment, the minister so in charge of the said circuit or station shall have a casting vote in such appointment. Provided always, that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the trustees consent to the resignation of more than one trustee by any one vote. Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the remaining trustees, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid, provided that no prior vacancy remain then unfilled, and provided that not more than one vacancy shall be declared by any one vote; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, in every such case it shall and may be lawful for the minister aforesaid to nominate, and the quarterly meeting of the circuit or station, if they approve of the person or persons so nominated, to appoint the requisite number of the trustees of the said trust, by the vote of the majority of the members of the said meeting then present, and in case of an equal division of their votes, the chair-



man of the said meeting shall have the casting vote in such appointment, and the person or persons so nominated and appointed trustee or trustees in either of the said modes of nomination and appointment shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above named trustees in and by these presents, and in and by the Acts of Parliament aforesaid.

22. To fix quorum, &c.

22. It is hereby declared that a majority of the said trustees shall form a quorum, all having been duly notified; and when a majority or two-thirds vote may be required for any purpose, it shall be held to mean a majority or two-thirds, as the case may be, of any such meeting.

23. To fix time for placing financial statement before quarterly official meeting.

23. A full and accurate financial statement, duly audited, shall be laid before the first quarterly official meeting after the first day of January in each year.

No. 36.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act respecting the Union of certain  
Methodist Churches therein named.

*(Reprinted as amended.)*

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First Reading, 11th February, 1884.

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*(PRIVATE BILL.)*

Mr. MORRIS.

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TORONTO:

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## An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto have by Preamble.  
 their petition set forth the desirability of, and the neces-  
 sity for, special legislation, conferring upon them increased pow-  
 ers with reference to drainage and sewage works, the expro-  
 priation of lands for public uses, the improvement and per-  
 5fecting the Toronto Water Works, and the providing of  
 moneys for such purposes, and also the desirability of otherwise  
 extending the powers of the Council of the City of Toronto;  
 and whereas it is expedient to grant the prayer of the said  
 10petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :

1. The council of the corporation of the city of Toronto may By-laws may  
 15pass by-laws for the following amongst other purposes, notwith- be made for  
 standing anything in the Consolidated Municipal Act, 1883, or  
 any special or private Act relating to the said city of Toronto  
 contained to the contrary.

(1) For providing the means of ascertaining and determining Adjustment of  
 20what real property will be immediately benefited by any pro- local improve-  
 posed improvement, the expense of which is proposed to be ment assess-  
 assessed, as hereinafter mentioned, upon the real property so ments.  
 benefited thereby, and of ascertaining and determining the  
 proportions in which the assessment is to be made on the vari-  
 25ous portions of real estate so benefited, and the proportion of  
 the cost of such improvements and works (if any) which should  
 be assessed and borne by the city at large, or in the case of  
 drainage divisions the proportion which should be borne by  
 the city at large or any one or more of the said divisions either  
 30by local or general assessment, or partly by each. Subject in  
 every case to an appeal to the judge of the county court in the  
 same manner and on the same terms as nearly as may be as  
 an appeal from the court of revision in the case of an ordinary  
 assessment.

(2) For dividing the city of Toronto into as many sewage Making sew-  
 35districts as may be necessary for securing effectual drainage age districts.  
 and sewerage for the said city; each of said districts to be  
 provided with one or more main or principal sewer or sewers  
 with all necessary branches and connections, lateral and local  
 40sewers and drains, such main or principal sewer having its  
 outlet into a general main off-take sewer along the front of the  
 city, or other proper place of outlet, said districts to be so  
 arranged as to be independent of each other as far as prac-  
 ticable.

- Widening or deepening streams, etc. (3) For widening, deepening, diverting, straightening and improving any river, creek, stream or water course, for converting any such creek, stream or water course into a main drain or sewer, and adopting the same as a part of the sewerage and drainage system of the city of Toronto, for deepening 5 any such creek, stream or water course and draining any locality, for constructing a main off-take sewer or sewers along the front of the city, or in such other place or places and manner as they may be advised, to prevent the sewerage and filth entering the waters of the Bay, and the necessary works and connections therewith. 10
- Making enlarging or prolonging sewers. (4) For the making, enlarging or prolonging of any common sewer or local sewer or drain.
- Enforcing sanitary improvements as to drainage, etc. (5) For securing, improving and maintaining the sanitary state and condition of the city, by the construction and maintenance of a complete system of drainage and the adoption of 15 all proper and sufficient sanitary measures and improvements in ventilation, drainage, and plumbing, and compelling the use thereof by the owners, lessees and occupants of real property, and providing for the proper inspection, maintenance and repair 20 thereof, after such adoption by such owners, lessees and occupants.
- Filling up cesspools. (6) For compelling the owners, lessees and occupants of real property to fill up and close all cess-pools, privies, and privy vaults on the special report of the City Commissioner or other 25 officer, and compelling such owners, lessees and occupants of premises to adopt and use water closets or earth closets instead of privies.
- Inspection and closing up of wells. (7) For the inspection of wells and the examination and testing of the waters thereof, by analysis or other proper tests, 30 as respects their wholesomeness or liability to produce disease, and causing all wells containing or producing unwholesome water to be closed and filled up.
- Inspection of factories and tenement houses. (8) For providing for the inspection of factories and tenement houses, and securing the provision of all necessary 35 offices and appliances to secure the health and comfort of those employed in and occupying the same.
- Opening, etc., streets, etc. (9) For the opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving or plankings of any street, lane, alley, public place, way or square, or any sidewalk. 40
- Constructing etc., bridges. (10) For constructing, building and erecting any bridge and the approaches thereto, forming part of any highway in said city.
- Sodding and planting streets. (11) For sodding or planting and thereafter maintaining any street, lane, alley, square or other public place. 45
- Re-construction of works. (12) For the reconstruction of any improvements and works heretofore authorized when required.
- Authorizing entry on lands. (13) For authorizing their servants, workmen and agents to enter into and upon, through or over, any lands or buildings for any of the purposes aforesaid, at proper hours of the day 50 and upon reasonable notice given and request made for that purpose.
- Taking land for highway (14) For entering upon, taking and using so much land and land covered by water as may be necessary for the opening up,



making and constructing a public highway, not more than one chain in width immediately to the south of and adjoining the Esplanade in front of the said city, from Brock-street eastward to the eastern termination of the said Esplanade and the Don river, making due compensation therefor to the parties entitled thereto under the provisions of the Municipal Act in that behalf.

(15) For entering upon, taking, using and acquiring all lands which may at any time be required by the said city for the purposes of public buildings, including city hall buildings, and court houses, and also for public squares, avenues, parks and drives, and for industrial schools and farms, or for any of the purposes heretofore mentioned, and all other corporation uses, both within the limits of the city of Toronto and in the township of York and the villages adjacent to the city of Toronto, making due compensation therefor to the parties entitled thereto under the provisions of the Municipal Act in that behalf.

(16) For assessing and levying by means of a special rate, the whole or so much of the cost of each of the said several improvements and works, including reconstruction when necessary, as it shall be determined should be borne by the real property so benefited and the Toronto street railway company, or any other company, person or persons, respectively, in any case where the latter is or are assessable for such works and improvements, and for making supplementary assessments when necessary, the first assessment having from any cause proved insufficient, or refunding or remitting to the parties entitled thereto any sum which shall have been assessed or collected in excess of the amount required for any such service, work or improvement.

(a) In the case of main sewers and drains, and the improvement of rivers, creeks, streams and water courses, the construction of bridges and other such works, the benefit of which extends to lands not immediately fronting thereon, the rate shall be an annual rate per superficial foot on the property so benefited, and the amount of the rate per foot on each parcel or defined section where the benefit is unequal shall be determined by the council, subject to appeal as aforesaid; and in other cases the special rate so to be assessed and levied shall, subject to the provisions of section six hundred and thirteen of the Act passed by the Legislative Assembly of the Province of Ontario, in the forty-sixth year of Her Majesty's reign, chaptered eighteen, be an annual rate per foot on the real property fronting or abutting upon the street or place whereon or wherein such work or improvement is proposed to be done or made, or is done or made, according to the frontage or abutment of such real property upon such street, lane, alley, public place or square.

(b) In the case of the Toronto street railway company or any other person or body corporate who may be assessable under any general or special Act for the payment of the cost of any portion of any such work, improvement or service, otherwise than in respect of real property fronting or abutting on any street benefited by such improvement, work or service, the said company and the said person or persons, or bodies corporate, as the case may be, shall be assessable respectively at their head office either in one sum, for their share of the cost of the

work or improvement, or in case the cost of the work is payable in instalments then for such sum per annum for the term of years within which the other portions of such debt are made payable, as will be sufficient to pay off the amount of the debt created on the security of their assessment, together with interest at the same rate per annum as is chargeable and payable in respect of the other portions of the debt, and such assessment shall constitute a lien and charge upon any real estate owned by or belonging to the said company, person or persons or bodies corporate, and be collected as hereinafter provided. 5 01

Borrowing powers.

(17) For borrowing, from time to time, such amounts as may be required for all and every of the purposes aforesaid, by the issue and sale of debentures or city stock on the credit of, the city at large, or of such special assessments and rates only, as hereinafter provided. 15

Proviso.

(a) Provided always that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five. 20

Application of preceding provisions.

2. Nothing contained in the preceding sub-sections shall be construed to apply to any work of ordinary repair or maintenance, but all works constructed and improvements made under the said sub-sections save as hereinafter excepted, shall thereafter be kept and maintained in good and sufficient state of repair at the expense of the said corporation generally, except in the case of private drains and other house connections and services, or any sanitary or other apparatus connected therewith, all of which shall be maintained and kept in good repair by the city, at the expense of the owner, lessee or occupant of the real property upon or in which the same are, or with which the same are connected in case of the default of such owner, lessee or occupant, as the case may be, so to maintain and repair after notice from the city to do so. 25 30 35

When council may undertake sanitary works and make assessments and pass by-laws therefor without petition or publication of notice.

3. If on the report of the city engineer or any sanitary officer, and the report of any of the committees of the council recommending any of the said works, improvements or services, for sanitary or drainage purposes being presented to them, the council declare by a two-thirds vote that they are of opinion that the proposed work, improvement or service is necessary for sanitary or drainage purposes, and adopt such report by the said vote; the said council may, without any petition therefor, and without the publication of any notice of their intention so to do, undertake and complete the said works, improvements or services, and thereafter, when the cost is ascertained, make all necessary assessments, and pass all necessary by-laws as if the same had been petitioned for as a local improvement, as hereinafter provided. 40 45 50

Council to undertake works on petition of owners to be benefited.

4. Upon the receipt of a petition praying for any of the works, improvements or services mentioned in the first section of this Act, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, such owners representing at least one-half in value of such 55

real property, the council shall make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible.

5. If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and, shall also provide the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof, done or made opposite real property which by any general or special Act is exempt from special or local assessment. Such provision for all or any of the purposes above mentioned may be made in the general rates or taxes for the year, or by the issue of debentures or city stock as hereinafter provided.

Part of cost of sewers, etc., to be provided by Council.

6. In case a main off-take sewer or sewers be constructed along the southern front of the city, or elsewhere, as above provided, the city shall, when the same is or are constructed, provide the whole of the cost thereof and of the connections therewith, either from the general rates or taxes or by the issue of debentures or city stock, for the purpose, on the general credit of the city.

Cost of main sewer to be provided by city.

7. In any other case when in the opinion of the council, the proposed work or improvement is of such general and public utility as to warrant them in so doing they may by a two-third's vote of the members thereof, provide one-half the cost of such work or improvement, either from the general rates or taxes, or by the issue of debentures or city stock for the purpose, on the general credit of the city, and assess the real property immediately benefited for the other moiety of such cost under the provisions of this Act.

City may defray part of the cost of works of general utility.

8. It shall and may be lawful for the council of the city of Toronto, and for the several railway companies now or at any time hereafter authorized to run into or through the city of Toronto, jointly or separately, and each with the other or any of them, and with the said council, to enter into any and all contracts, engagements, agreements and covenants which may be necessary for the opening up, construction and maintenance of a public highway to the south of and adjacent to the Toronto Esplanade, and for the use and occupation of such portions thereof as may be found necessary by the said railway companies, or any of them, or as may be necessary for affording all proper and sufficient railway and other traffic facilities required in connection with the water lots south of the Esplanade, and to provide for all necessary security and protection to persons and property.

Contracts with railway companies.

9. It shall and may be lawful for the said council to pass by-laws, from time to time as occasion may require, for borrowing money by the issue of debentures or corporation stock to an amount not exceeding one hundred and sixty thousand

Power to borrow for purpose of water works.



dollars, for the purpose of providing additional pumping power and otherwise perfecting the Toronto water works.

Time for re-  
payment of  
debt or re-  
demption of  
stock or de-  
bentures  
limited.

10. Except in the cases hereinafter mentioned the period for the repayment of any such debt or the redemption of any such debenture or stock shall not be extended beyond thirty years from the date of the issue of such debentures or stock. 5

(2) The debentures or city stock to be issued and the debt to be incurred for the construction of the main and main off-take sewers above provided for, and also for the straightening and improvement of any stream, creek or river, if undertaken, and the opening up, making and constructing the public highway south of the Esplanade, also above provided for, and for extending and improving the Toronto water-works and the acquiring of land and the erection of a Court House and new city hall and offices, may be made payable within forty years from the date of the issue of debentures or stock therefor, under the by-laws to be passed providing for the same. 15

Assent of  
electors to by-  
laws for  
borrowing  
money under  
this Act not  
required.

11. No by-law for borrowing money under the provisions of this Act upon the credit of the city at large shall require the assent of the electors before the final passing thereof. But no such by-law shall be passed except by the vote of two-thirds of the whole council in favor thereof. 20

Special  
assessments  
a lien on land  
rated.

12. Every special assessment made, and every special rate imposed and levied, under any of the provisions of the Municipal Act or of this or any other special Act relating to the City of Toronto, and all sewer rents and charges for work or services done by the corporation, on default of the owners of real property under the provisions of any valid by-law of the council of the said corporation, shall become a lien and charge upon the real property upon or in respect of which the same shall have been assessed and rated or charged, and shall be collected in the same manner and with the like remedies as ordinary taxes upon real estate are collected under the Assessment Act. 25 30

Certain by-  
laws con-  
firmed.

13. All by-laws heretofore passed by the said council of the corporation of the City of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual. 35 40 45

Work of which  
notice has  
been given by  
one Council  
may be  
carried out by  
their suc-  
cessors.

14. In any case where notice of a proposed improvement work or service to be paid for by special assessment as a local improvement has been given by any council of the City of Toronto, pursuant to the provisions of the Act hereinafter mentioned, or of the "Consolidated Municipal Act, 1883," and no petition sufficiently signed has been presented to the said council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts it shall be lawful for the said council or for the 50 55



council of any succeeding year to carry on the proposed works improvement or services to completion before making the assessment therefor; and such notice so given shall stand good as authority for undertaking any such work improvement or  
 5 service and making such assessment or assessments and passing all necessary by-laws, whether the same be undertaken and completed by the council giving such notice or by the council of any succeeding year, and all notices heretofore given by any council of the City of Toronto of any proposed improve-  
 10 ments, works, or services and assessments therefor, pursuant to the provisions of the fourth section of the Act passed by the Legislature of the Province of Ontario, in the forty-fifth year of Her Majesty's reign, chaptered twenty-three, or of the "Consolidated Municipal Act, 1883," are hereby confirmed, and declared  
 15 valid and binding, on all real property affected thereby, and all assessments made or hereafter to be made, and all by-laws passed or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service undertaken and com-  
 20 pleted, pursuant to any such notice or notices are hereby declared to be good, valid and binding assessments and by-laws, subject to compliance with the other provisions of the Consolidated Municipal Act relating to the making of special assessments and passing by-laws for local improvements.

25 **15.** It shall and may be lawful for the said council to pass by-laws to remit and refund so much of the special rates heretofore imposed on corner lots and irregular pieces of land for the construction of pavements and sidewalks, under local improvement by-laws, as may be necessary to equalize the  
 30 assessment made on such properties with the assessment made on adjoining properties, and to provide the amount of all rates so refunded or remitted by passing by-laws for borrowing money by the issue of debentures or by including said amounts in the rate bills for the year.

35 **16.** In any case where two-thirds in number of the owners representing at least one-half in value (exclusive of the value of improvements) of the lands benefited and liable to special assessment for the proposed improvements, works or services, petition the council, praying for the making, construction or  
 40 doing of any of the improvements, works or services provided for by "The Consolidated Municipal Act, 1883," or by this or any other special or private Act relating to the City of Toronto, as a local improvement, it shall not be necessary to publish any advertisement or notice of the intention of the council  
 45 to undertake such improvement, work or service, but the said council or the council of any succeeding year, may forthwith proceed with the improvements, works or services so petitioned for and carry the same on to completion; and when the same are completed and the cost thereof ascertained, the said council  
 50 or the council of any succeeding year, as the case may be, may cause the necessary assessment or assessments to be made and may pass the necessary by-law or by-laws providing for borrowing money, for meeting the temporary loan or loans or advances which may have been obtained or made to meet the  
 55 cost thereof during progress of construction, by the issue of debentures or city stock or in any other manner authorized by any statute in that behalf, and all assessments made and

Power to remit or refund part of special rates imposed on corner lots, etc.

On petition by owners Council may construct local improvement works.

all by-laws passed by the said council since the enactment of "The Consolidated Municipal Act, 1883," to provide for the construction and to defray the cost of any works undertaken and carried on pursuant to any such petition are hereby confirmed and declared valid and binding assessments and by-laws on all persons and bodies concerned and all real estate thereby affected.

Power to pass By-laws and make assessments for local improvements already constructed.

17. In any case where a debt has been incurred for work or improvements, including drainage, done or constructed as local improvements, without a by-law, or valid by-law, authorizing such work or improvements, or providing for the borrowing of the money therefor, it shall be lawful for the Council of the said Municipality, and they are hereby authorized, to cause an assessment or assessments to be made, and to pass a by-law or by-laws to provide funds for the payment of the debts so incurred for the said work or improvements.

Assessment to be for amount remaining unpaid.

(2) In making such assessment and in passing such by-law or by-laws, the amount to be provided for shall be the amount remaining unpaid in respect of such work or improvements, after crediting the amounts (if any) paid by the owners of property under any assessment made to pay any such debt or debts.

Amount paid by any owner to be considered in determining assessment on his property.

(3) In ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited by such work or improvements, the amount paid by any owner of such property shall be taken into consideration and credited to such owner.

Cost of several works may be grouped.

(4) It shall be lawful for the said Council to group together in one or more by-laws the cost of providing for any two or more of such works or improvements.

Exemption of property from assessment.

(5) If it appear inequitable that any real property fronting or abutting upon the street or place whereon or wherein the said improvement or work has been done, should pay any portion of the cost of doing such work or improvement, it shall be lawful for the said Council in making the new assessment or assessments to exempt such property, such exemption, however, to be subject to revision by the Court of Revision, and to appeal therefrom to the Judge of the County Court, as in other cases.

Assessments confirmed in certain cases.

(6) In any such case where the scheme of assessment provided by the by-law provides a sum sufficient to pay such indebtedness and where the assessment has been confirmed by the Court of Revision or Judge on appeal, the said by-law and assessment are hereby confirmed and the same and the debentures issued under the said by-law are hereby declared valid, and if the debentures remain unsold new debentures may be issued in such amounts as may be convenient, in lieu of the debentures so unsold.

School property of Yorkville vested in Toronto Public School Board.

18. All the lands, property and effects which belonged to or were vested in the Public School Board of the late village of Yorkville are hereby vested in and declared to be the property of and to belong to the Public School Board of the city of Toronto,

"Gaul Farm" to form part of Ward of St. David.

19. All that part of the township of York lying east of the Don river, conveyed to the corporation of the city of Toronto by the Reverend H. Scadding and others, by deed dated the



thirtieth day of December, one thousand eight hundred and fifty-six, and known as the "Gaul Farm," and which is known and described as follows, that is to say: All and singular that certain piece, parcel or tract of land situate on the east bank of the Don river and being composed of parts of lots numbers fifteen and sixteen in the first concession from the bay, in the township of York, butted and bounded as follows, that is to say: that portion of the said lots numbers fifteen and sixteen, situate on the east bank of the said river Don, comprised within the following limits, namely: beginning at the intersection of the west side of the old Mill road and the north side of the Don and Danforth road; thence along the west side of the said old Mill road, ten chains; thence along west side of the said road at the turn, two chains, more or less, to where a stake has been placed on the division line between lots numbers fourteen and fifteen, at a distance of fifty chains from the south-west angle of lot number fourteen on a course north sixteen degrees west, thence along the said division line north sixteen degrees west, five chains eighty links, more or less, to the centre of a creek in a ravine south of a hill or peak of land containing about half an acre, opposite to what is called the Big Bend in the river Don; thence westerly along the centre of the said creek to the east side of road leading to the flats formerly owned by Mr. John Scadding; thence northerly along the east side of said road to the centre of a creek in a ravine bounding the hill or peak of land aforesaid on the north; thence easterly along the centre of the said creek to its intersection with the division line between lots numbers fourteen and fifteen; thence north sixteen degrees west along the said division line fifteen chains, eighty links more or less to the west side of the Old Mill road, where it is intersected by the said division line; thence northerly along the west side of said road seven chains fifty links more or less to a stake placed on the west side of said road, distant nineteen chains twenty-five links on a course south thirty-three degrees, thirty minutes east from the south side of the allowance for road between the first and second concessions from the Bay along the west side of the old Mill road; thence south seventy-four degrees west parallel to the Kingston road, nine chains thirty-six links more or less to the west side of the Don Mills road; thence northerly along the west side of the said road, about twenty chains more or less to the centre of the allowance for road between the first and second concessions from the Bay; thence south seventy-four degrees west along the centre of the said concession line seventeen chains sixty links to the east bank of the River Don; thence southerly along the east bank with the stream, following the winding of the said river to the north side of the Don and Danforth road; thence along the north side of the said road north seventy-four degrees east, twenty chains forty links, more or less, to the place of beginning is hereby annexed to, and shall henceforth be included within the limits of the city of Toronto and shall form part of the Ward of St. David, subject to the same provisions of law, as if such addition had been made, under the "Consolidated Municipal Act, 1883."

20. All that part of the Township of York lying east of the river Don, described as follows, that is to say: All that certain piece or parcel of land situate, lying and being in the Province

Ward of St.  
Matthew  
constituted.

of Ontario, in the County of York, composed of Lots Nos. 10, 11, 12, 13, 14 and all that portion of 15, lying to the east of the river Don, in the first concession from the Bay, and which is butted and bounded and may be more particularly described as follows, that is to say: Commencing at the intersection of the south limit of the Kingston Road, with the easterly side of the river Don; thence following the windings of the river Don to its intersection with the northerly limit of the allowance for road between the first and second concessions from the Bay; thence easterly along the said northerly limit of the said allowance for roadway between the first and second concessions from the Bay (commonly known as the Don and Danforth Road) to its intersection with the allowance for road between lots nine and ten; thence southerly along the limit of road between lots nine and ten, produced to its intersection with the south side of the Kingston Road; thence westerly along the south limit of the Kingston Road to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the City of Toronto, and shall form part of the ward of St. Matthew, as hereinafter mentioned, (subject to the same provisions of law as if such addition had been made under the "Consolidated Municipal Act, 1883,") except in so far as the same are inconsistent with the provisions of this Act.

(2) The ward of St. Lawrence in the city of Toronto is hereby divided, and all that part thereof lying east of the River Don shall, together with the territory above described and hereby annexed to the city of Toronto, constitute a new ward of the said city of Toronto, to be known and designated as the ward of St. Matthew.

(3) The assessment rolls and the voters' lists of the township of York (in so far as they apply to the territory hereby annexed to the city of Toronto), for the year one thousand eight hundred and eighty-three, as finally revised for that year, are hereby confirmed, and the council of the city of Toronto is, subject to other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose as and for the assessment rolls and voters' lists for that part of the said ward of St. Matthew to which the same apply for the year one thousand eight hundred and eighty-four, and no further or other assessment for the said ward for the year one thousand eight hundred and eighty-four need be made.

(4) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of three aldermen and two public school trustees for the said ward of St. Matthew, under the statutes in that behalf providing for filling vacancies occurring during the year, and the aldermen elected at such election shall serve as aldermen of the said city of Toronto for the balance of the current year, and trustees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for the balance of the current year, and one for the balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place.

(5) The Council of the City of Toronto shall by by-law take



possession of and assume all roads and bridges being the property of and belonging to the County of York, situate within the limits of the territory hereby annexed to the said City; subject, however, to the right of the said County to receive proper compensation therefor, and in the event of the said Council not being able to agree with the said County on the amount of compensation for any such road or bridge, then such compensation shall be determined by arbitration under the provisions of the Municipal Act in that behalf.

(6) The Councils of the Corporation of the City of Toronto and the County of York and Township of York, respectively, are hereby authorized to settle and agree each with the other, or with any of them, upon all questions, claims, demands or disputes, which may arise between them or any of them, out of the annexation of the territory above described to the City of Toronto, but in the event of the said Councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of the Municipal Act in that behalf.

21. The fifteenth section of the Act passed by the Legislative Assembly of the Province of Ontario, in the forty-sixth year of Her Majesty's reign, chaptered forty-six, entitled "An Act Respecting the City of Toronto and the Village of Yorkville, and other matters," is hereby repealed.

46 V. c. 46,  
s. 15, repealed.

22. The Council of the City of Toronto may also pass by-laws

By-laws may  
be made for:

(1) For licensing and regulating dealers in second-hand goods, wares and merchandize, and the keepers and owners of second-hand shops or stores.

Licensing  
dealers in  
second-hand  
wares.

(2) For licensing and regulating plumbers, and for securing the sanitary condition of dwelling houses and other buildings.

Licensing  
plumbers.

(3) For licensing and regulating vendors of milk.

Licensing  
milk vendors.

(4) For regulating or prohibiting heavy traffic and the driving of cattle, sheep, pigs and other animals in the parks, avenues and public places, and upon and in streets in the city ornamented by paving, sodding, planting and otherwise.

Regulating  
street traffic.

(5) For regulating or prohibiting the keeping of cows, pigs goats and other animals, and defining limits within which the same may or may not be kept.

Regulating  
keeping of  
cows and other  
animals.

(6) For compelling the owners and lessees of hotels, warehouses, factories, shops and other buildings, where large numbers of persons are lodged, or large numbers of workmen and employees are kept, to provide such hotels, warehouses, factories, shops and other buildings with sufficient fire escapes, exits, ladders, and other proper requisites and apparatus to enable such persons, workmen and employees to escape in case of fire.

Compelling  
owners of  
hotels, factories,  
etc., to  
provide fire  
escapes, etc.

(7) For authorizing the remission of taxes on, and the exemption from taxation of, Botanical, Acclimatization and Zoological Gardens and other like undertakings of a quasi public or educational character.

Exemption of  
Zoological  
Gardens, etc.,  
from taxation.

Aiding and assisting public celebrations and entertaining distinguished persons.

(8) For aiding the coming semi-centennial celebration to an amount not to exceed ten thousand dollars, and hereafter for aiding and assisting public celebrations, and providing for the entertainment of distinguished persons who may at any time become guests of the city, to an amount not to exceed in any year the sum of two thousand dollars and provided that the by-laws for said appropriations shall require to be passed by a two-thirds vote of the council. 5

Act to be incorporated with municipal and assessment Acts.

23. This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto. 10

No. 37.  
1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the City of Toronto.

First Reading, 14th February, 1884.

(PRIVATE BILL.)

Mr. CLARKE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto have by their petition set forth the desirability of, and the necessity for, special legislation, conferring upon them increased powers with reference to drainage and sewage works, the expropriation of lands for public uses, the improvement and perfecting the Toronto Water Works, and the providing of moneys for such purposes, and also the desirability of otherwise extending the powers of the Council of the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the corporation of the city of Toronto may pass by-laws for the following amongst other purposes, notwithstanding anything in the *Consolidated Municipal Act, 1883*, or any special or private Act relating to the said city of Toronto contained to the contrary.

(1) For widening, deepening, diverting, straightening and improving any river, creek, stream or water course, for converting any such creek, stream or water course into a main drain or sewer, and adopting the same as a part of the sewerage and drainage system of the city of Toronto, for deepening any such creek, stream or water course and draining any locality, for constructing a main off-take sewer or sewers along the front of the city, or in such other place or places and manner as they may be advised, to prevent the sewerage and filth entering the waters of the Bay, and the necessary works and connections therewith, and for entering upon, taking and using such lands as may be necessary for all and every such purposes.

(2) For entering upon, taking, using and acquiring all lands which may at any time be required by the said city for the purposes of city hall buildings, and a court house within the limits of the city of Toronto, making due compensation therefor to the parties entitled thereto under the provisions of the *Consolidated Municipal Act, 1883*, in that behalf.

(3) In the case of the Toronto street railway company or any other body corporate who may be assessable under any general or special Act for the payment of the cost of any portion of any such work, improvement or service, otherwise than in respect of real property fronting or abutting on any street benefited by such improvement, work or service, the said company or body corporate, as the case may be, shall be assessable respectively

Preamble.

By-laws may be made for—

Widening or deepening streams, etc.

Taking lands for public buildings, squares, etc.

Assessment of Toronto Street Railway, etc.



at their head office either in one sum, for their share of the cost of the work or improvement, or in case the cost of the work is payable in instalments then for such sum per annum for the term of years within which the other portions of such debt are made payable, as will be sufficient to pay off the amount of the debt created on the security of their assessment, together with interest at the same rate per annum as is chargeable and payable in respect of the other portions of the debt, and such assessment shall constitute a lien and charge upon any real estate owned by or belonging to the said company, or body corporate, and be collected as hereinafter provided.

Ward of St.  
Matthew  
constituted.

2. (1) All that part of the Township of York lying east of the river Don, described as follows, that is to say: All that certain piece or parcel of land situate, lying and being in the County of York, in the Province of Ontario, composed of Lots Nos. 10, 11, 12, 13, 14 and all that portion of 15, lying to the east of the river Don, in the first concession from the Bay, and which is butted and bounded and may be more particularly described as follows, that is to say: Commencing at the intersection of the south limit of the Kingston Road, with the easterly side of the river Don; thence following the windings of the river Don to its intersection with the northerly limit of the allowance for road between the first and second concessions from the Bay; thence easterly along the said northerly limit of the said allowance for roadway between the first and second concessions from the Bay (commonly known as the Don and Danforth Road) to its intersection with the *easterly limit of the* allowance for road between lots nine and ten; thence southerly along the *said easterly* limit of road between lots nine and ten, produced to its intersection with the south side of the Kingston Road; thence westerly along the south limit of the Kingston Road to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the City of Toronto, and shall form a new ward therein to be known as part of the ward of St. Matthew, (subject to the same provisions of law as if such addition had been made under the *Consolidated Municipal Act, 1883*,") except in so far as the same are inconsistent with the provisions of this Act.

(2) The assessment rolls and the voters' lists of the township of York (in so far as they apply to the territory hereby annexed to the city of Toronto), for the year one thousand eight hundred and eighty-three, as finally revised for that year, are hereby confirmed, and the council of the city of Toronto is, subject to other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose as and for the assessment rolls and voters' lists for the said ward of St. Matthew to which the same apply for the year one thousand eight hundred and eighty-four, and no further or other assessment for the said ward for the year one thousand eight hundred and eighty-four need be made.

(3) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of three aldermen and two public school trustees for the said ward of St. Matthew, under the statutes in that behalf providing for filling vacancies occurring during the year, and the aldermen elected at such election shall serve as aldermen of the said city of Toronto for the balance of the current year, and trus-



tees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for the balance of the current year, and one for the balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place:

(4) Within two months after the passing of this Act, the Council of the City of Toronto shall by by-law take possession of and assume all roads and bridges being the property of and belonging to the County of York, situate within the limits of the territory hereby annexed to the said City; also including the Don bridge on the Kingston Road, together with that part of King street lying west of the said bridge, being the property of the County of York, subject, however, to the right of the said County to receive proper compensation therefor, and in the event of the said Council not being able to agree with the said County on the amount of compensation for any such road or bridge, then such compensation shall be determined by arbitration under the provisions of the Consolidated Municipal Act, 1883, in that behalf.

(5) The Councils of the Corporation of the City of Toronto and the County of York and township of York, respectively, are hereby authorized to settle and agree each with the other, or with any of them, upon all questions, claims, demands or disputes, which may arise between them or any of them, out of the annexation of the territory above described to the City of Toronto, or which may arise in respect of any school moneys, school sites or other claims, but in the event of the said Councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of the Consolidated Municipal Act, 1883, in that behalf; provided that the expenses incurred by the county in taking the census of the territory by this Act annexed to the said city, under the application for the incorporation of the same as a village, and which would have been payable by the said village if incorporated, shall be paid to the said county by the said city, not exceeding in all the sum of one hundred dollars.

(6) Having regard to the amount of fees which are being received by the City of Toronto, and which will be received for the future from the City Registrar in respect of lands situate in the ward of Saint Paul's, formerly the village of Yorkville, and in the portion of the township of York hereby annexed to the city of Toronto, and in consideration of the serious loss of income which has arisen and will continue to arise to John Ridout, Registrar of the county of York, from such annexation of territory to the said city of Toronto, it is hereby enacted, the Council of the said city not objecting thereto, that by way of compensation to him the corporation of the city of Toronto shall pay to the said John Ridout the sum of two thousand dollars.

3. All the lands, property and effects which belonged to or were vested in the Public School Board of the late village of Yorkville, in the County of York, or in the Public School Trustees of Section number ten in the Township of York, in the County of York, or in the Public School Trustees of

Certain school property of Yorkville, etc. vested in Public School Board of Toronto.

Section number six in the Township of York, in the County of York, are hereby vested in and declared to be the property of and to belong to the Public School Board of the City of Toronto, subject to any liabilities existing against the said properties or any debenture, debt, or other securities issued in respect thereof. 5

School trustees of sec. 6 in township of York continued in office.

4. The Public School Trustees of Section number six, in the Township of York, are hereby continued in office as regards that portion of *said* Section not included as part of the City of Toronto within the limits of the Ward of St. Matthew, as hereby formed under this Act with power to make arrangements for the annexation of the said portion of the said section to any other school section of the said township, and to settle all compensation, if any, due to the same by the Public School Board of the City of Toronto, or any other school section in the said township, or in the event of any disagreement by arbitration, as provided under the *Public Schools Act*. 10 15

By-laws may be made for :

Remitting taxes on Zoological Gardens.

5. The Council of the City of Toronto may also pass by-laws,

(1) For authorizing the remission from time to time of taxes on the Zoological and Acclimatization Society gardens, the personal property contained therein and used in connection therewith. 20

Making grant in aid of Semi-Centennial celebration.

(2) For aiding the coming semi-centennial celebration to an amount not to exceed ten thousand dollars; provided, that any by-law for *such* appropriation shall require to be passed by a two-thirds vote of the council. 25

By-laws may be made for :

6. To secure additional pumping power and other improvements now imperatively necessary in connection with the Toronto Water Works, and also to provide the means necessary to procure a site for and the erection of the new court house to be erected within the said city pursuant to the provisions of this Act, and to provide for the acquisition of roads and bridges which the city is obliged to assume where the limits thereof are extended by this or any other Act; and to provide means for constructing the Garrison Creek sewer, it shall and may be lawful for the said Council of the City of Toronto to pass by-laws from time to time and as occasion may require, without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money by the issue of debentures or city stock on the credit of the city at large to the amounts and for the purposes following, that is to say : 30 35 40

Improving Water Works.


(1) To an amount not exceeding the sum of one hundred and sixty thousand dollars for the purpose of providing additional pumping power for and otherwise improving and perfecting the Toronto Water Works. 45



Procuring a site for and erecting a court house.



(2) To an amount not exceeding the sum of three hundred thousand dollars for the purpose of procuring a site for and erecting thereon a court house.

Paying amounts found due to county of York or to companies or persons for roads.

(3) For paying the amounts, if any, which may from time to time be found due from the corporation of the city of Toronto, by agreement or arbitration, to the corporation of the County of York, and to any plank or gravel road company, or to any other body corporate, or person or persons, for roads, 50


bridges, or other works or improvements, assumed or to be assumed by the council of the City of Toronto, by by-law, pursuant to the provisions of any Act of the Legislature of the Province of Ontario respecting the extension of city limits. 

- 5  (4) To an amount not exceeding the sum of one hundred thousand dollars for the purpose of constructing the said the Garrison Creek sewer.  Constructing Garrison Creek Sewer.


-  7. Provided, nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which the said Council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts.  Powers of city not abridged by provisions of this Act.

8. It shall be the duty of the Council of the said city to provide a proper site for, and to erect, build, and maintain a Court House, regard being had to the future growth and requirements of the said city and of the County of York; and the said Council may pass by-laws for so erecting, building, and maintaining, and for improving and repairing such Court House, and shall preserve and keep the same in repair, and provide fuel and other supplies required for the same, and the same shall be used as the Court House for the County of York as well as for the said city, but for judicial purposes only. City to erect and maintain a court house.



9. The Council of the said city shall have the care of the said Court House when erected, and of all offices and rooms and grounds connected therewith, whether the same forms a separate building, or is connected with any other public building, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleansing thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light and furniture, for the Courts of Justice, and for all officers connected with such Courts. City to have care of court house and grounds.

10. The cost of the site and of the erection of the said Court House shall be borne solely by the said city, and the existing and future obligations respecting a Court House of the County of York, or of the said county, and the said city jointly shall, from and after the passing of this Act, be assumed and observed by the said city and the said county relieved therefrom, and the said county shall bear and pay such sum annually for the use of the said Court House for county purposes as may, from time to time, be mutually agreed upon or settled by arbitration under the *Consolidated Municipal Act, 1883*, regard being had to the cost of the site and of erecting, building, repairing and maintaining such Court House, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice and the officers thereof, so far as the same should be borne by the said county;  Provided, that in fixing such annual sum to be paid by the said county annually the cost of the site and of the erection of the buildings shall not be taken at any larger amount than four hundred Cost of site and of erection of court house to be borne by city and county to pay an annual sum for use thereof.
- Proviso.



Proviso.      thousand dollars;  Provided always, that no indictment or other proceedings shall be instituted or prosecuted in respect of Court House accommodation until after a reasonable time for the erection of the said Court House shall have elapsed.

City to pay fees for administration of justice and to receive fees therefor instead of county.      **11.** All fees and other moneys payable by the County of York under the provisions of *The Jurors' Act* and amendments thereto, and under Chapters eighty-four, eighty-five, and eighty-seven of the Revised Statutes of Ontario, and all other fees and moneys now payable or to be advanced out of County funds for or in connection with the administration of Justice shall be hereafter paid or advanced by and out of City funds; and the fees and moneys payable to the said County or the Treasurer thereof under the provisions of the said Acts, shall hereafter be paid to the said City or the Treasurer thereof, instead of to the said County or the Treas- 15  
urer thereof.

Act not to be construed as authorizing an extension of city debt.       **12.** Provided always, that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second 20  
year of Her Majesty's reign, chaptered seventy-five. 

Act to be incorporated with municipal and assessment Acts.      **13.** This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto.





No. 37.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the City of Toronto.

*(Reprinted as amended.)*

First Reading, 14th February, 1884.

*(PRIVATE BILL.)*

Mr. CLARKE.

TORONTO :


PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto have by Preamble.  
 their petition set forth the desirability of, and the neces-  
 sity for, special legislation, conferring upon them increased pow-  
 ers with reference to drainage and sewage works, the expro-  
 priation of lands for public uses, the improvement and per-  
 5 perfecting the Toronto Water Works, and the providing of  
 moneys for such purposes, and also the desirability of otherwise  
 extending the powers of the Council of the City of Toronto ;  
 and whereas it is expedient to grant the prayer of the said  
 10 petition ;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :

1. The council of the corporation of the city of Toronto may By-laws may  
 15 pass by-laws for the following amongst other purposes, notwith- be made for—  
 standing anything in the *Consolidated Municipal Act, 1883*, or  
 any special or private Act relating to the said city of Toronto  
 contained to the contrary.

(1) For widening, deepening, diverting, straightening and Widening or  
 20 improving any river, creek, stream or water course, for con- deepening  
 verting any such creek, stream or water course into a main streams, etc.  
 drain or sewer, and adopting the same as a part of the sewer-  
 age and drainage system of the city of Toronto, for deepening  
 any such creek, stream or water course and draining any local-  
 25 ity, for constructing a main off-take sewer or sewers along the  
 front of the city, or in such other place or places and manner  
 as they may be advised, to prevent the sewerage and filth enter-  
 ing the waters of the Bay, and the necessary works and con-  
 nections therewith, ~~and~~ and for entering upon, taking and using  
 30 such lands as may be necessary for all and every such pur-  
 poses. 

(2) For entering upon, taking, using and acquiring all lands Taking lands  
 which may at any time be required by the said city for the pur- for public  
 poses of city hall buildings, and a court house within the limits buildings,  
 35 of the city of Toronto, making due compensation therefor to squares, etc.  
 the parties entitled thereto under the provisions of the *Consoli-  
 dated Municipal Act, 1883*, in that behalf.

(3) In the case of the Toronto street railway company or any Assessment of  
 other body corporate who may be assessable under any general or Toronto Street  
 40 special Act for the payment of the cost of any portion of any Railway, etc.  
 such work, improvement or service, otherwise than in respect  
 of real property fronting or abutting on any street benefited by  
 such improvement, work or service, the said company or body  
 corporate, as the case may be, shall be assessable respectively

at their head office either in one sum, for their share of the cost of the work or improvement, or in case the cost of the work is payable in instalments then for such sum per annum for the term of years within which the other portions of such debt are made payable, as will be sufficient to pay off the amount of the debt created on the security of their assessment, together with interest at the same rate per annum as is chargeable and payable in respect of the other portions of the debt, and such assessment shall constitute a lien and charge upon any real estate owned by or belonging to the said company, or body corporate, and be collected as hereinafter provided.


Wards of St.  
Matthew  
and St. Mark  
constituted.

2. (1) All that part of the Township of York lying east of the river Don, described as follows, that is to say: All that certain piece or parcel of land situate, lying and being in the County of York, in the Province of Ontario, composed of Lots Nos. 15 10, 11, 12, 13, 14 and all that portion of 15, lying to the east of the river Don, in the first concession from the Bay, and which is butted and bounded and may be more particularly described as follows, that is to say: Commencing at the intersection of the south limit of the Kingston Road, with the easterly side of the river Don; thence following the windings of the river Don to its intersection with the northerly limit of the allowance for road between the first and second concessions from the Bay; thence easterly along the said northerly limit of the said allowance for roadway between the first and second concessions from the Bay (commonly known as the Don and Danforth Road) to its intersection with the *easterly limit of the* allowance for road between lots nine and ten; thence southerly along the *said easterly* limit of road between lots nine and ten, produced to its intersection with the south side of the Kingston Road; thence westerly along the south limit of the Kingston Road to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the City of Toronto, and shall form a *new ward therein to be known as* part of the ward of St. Matthew, (subject to the same provisions of law as if such addition had been made under the *Consolidated Municipal Act, 1883*.) except in so far as the same are inconsistent with the provisions of this Act.

(2) All that part of the said Township of York, described as follows, that is to say:—That portion of the Township of York, in the County of York, lying to the west of the city of Toronto, comprising the village of Brockton, and all the land situated to the north and west of the village of Parkdale, and west of the said village of Brockton, including High Park, bounded on the north by the allowance for road between the first and second concessions from the bay, otherwise known as Bloor Street, and on the west by the westerly limit of lot No. 37, in the first concession from the bay, and which may be more fully described as follows, that is to say:—


Commencing at the intersection of the north limit of the road allowance between the first and second concessions from the Bay, now known as Bloor Street, with the westerly limit of the city of Toronto (west side of Dufferin Street), thence westerly along the north limit of the road allowance between the first and second concessions from the Bay (Bloor Street) to its intersection with the westerly limit of lot No. 37 in the first concession from the Bay; thence southerly along said westerly








limit of said lot No. 37 from the north limit of the road allowance between the first and second concessions from the Bay to its intersection with the north limit of the road belonging to the county of York, lying between the lands belonging to the Great Western Railway Company and the north shore line of Lake Ontario, and known as the Lake Shore Road; thence easterly along the north limit of the lake shore road to its intersection with the north limit of Queen street at a point 800 feet, more or less, westerly from the west limit of Roncesvalles avenue; thence easterly along the northerly limit of Queen street to the westerly limit of Roncesvalles avenue; thence northerly along the line of the west limit of Roncesvalles avenue (which is also the westerly limit of the village of Parkdale) to its intersection with the northerly limit of the village of Parkdale; thence easterly along said northerly limit to its intersection with the easterly limit of the village of Parkdale; thence following the said easterly limit in a south-easterly direction to its intersection with the west side of Dufferin street; thence northerly along said westerly limit of Dufferin street, produced, to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the city of Toronto, and shall constitute a new ward of the said city of Toronto, to be known as the ward of St. Mark, subject to the same provisions of law as if such addition had been made under *The Consolidated Municipal Act*, 1883, except in so far as the same are inconsistent with the provisions of this Act. 



(3) The assessment rolls and the voters' lists of the *village of Brockton and of the township of York* (in so far as they apply to the territory hereby annexed to the city of Toronto), for the year one thousand eight hundred and eighty-three, as finally revised for that year, are hereby confirmed, and the council of the city of Toronto is, subject to other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose as and for the assessment rolls and voters' lists for the said wards of St. Matthew and St. Mark to which the same apply for the year one thousand eight hundred and eighty-four, and no further or other assessment for the said wards for the year one thousand eight hundred and eighty-four need be made.



(4) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of three aldermen and two public school trustees for each of the said wards of St. Matthew, and St. Mark under the statutes in that behalf providing for filling vacancies occurring during the year, and the aldermen elected at such election shall serve as aldermen of the said city of Toronto for the balance of the current year, and the trustees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for each of the said wards, the balance of the current year, and one for the balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place.

 (5) The fourth, fifth, sixth, seventh, eighth and thirteenth sections of the Act passed in the forty-sixth year of the reign of Her

Majesty, chaptered forty-six, entitled, "An Act respecting the City of Toronto and the Village of Yorkville, and other matters," are hereby incorporated with, and are to be read and taken as applying to the said village of Brockton, in the same manner and to the same extent as if the said village of Brockton had been annexed to the city of Toronto under the provisions of the said Act. 

(6)  Within two months after the passing of this Act,  the Council of the City of Toronto shall by by-law take possession of and assume all roads and bridges being the property of and belonging to the County of York, situate within the limits of the territory hereby annexed to the said City;  also including the Don bridge on the Kingston Road, together with that part of King street lying west of the said bridge, being the property of the County of York,  subject, however, to the right of the said County to receive proper compensation therefor, and in the event of the said Council not being able to agree with the said County on the amount of compensation for any such road or bridge, then such compensation shall be determined by arbitration under the provisions of the Consolidated Municipal Act, 1883, in that behalf.

(7) The Councils of the Corporation of the City of Toronto and the County of York and township of York, respectively, are hereby authorized to settle and agree each with the other, or with any of them, upon all questions, claims, demands or disputes, which may arise between them or any of them, out of the annexation of the territory above described to the City of Toronto, or which may arise in respect of any school moneys, school sites or other claims, but in the event of the said Councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of the Consolidated Municipal Act, 1883, in that behalf;  provided that the expenses incurred by the county in taking the census of the territory *comprised in the said Ward of St. Matthew*, by this Act annexed to the said city, under the application for the incorporation of the same as a village, and which would have been payable by the said village if incorporated, shall be paid to the said county by the said city, not exceeding in all the sum of one hundred dollars. 

 (8) Having regard to the amount of fees which are being received by the City of Toronto, and which will be received for the future from the City Registrar in respect of lands situate in the ward of Saint Paul's, formerly the village of Yorkville, and in the portion of the township of York hereby annexed to the city of Toronto, and in consideration of the serious loss of income which has arisen and will continue to arise to John Ridout, Registrar of the county of York, from such annexation of territory to the said city of Toronto, it is hereby enacted, the Council of the said city not objecting thereto, that by way of compensation to him the corporation of the city of Toronto shall pay to the said John Ridout the sum of two thousand dollars. 

Certain school property of Yorkville, etc. vested in

3. All the lands, property and effects which belonged to or were vested in the Public School Board of the late village of Yorkville, and of the Village of Brockton, in the County of



York, or in the Public School Trustees of Section number ten in the Township of York, in the County of York, or in the Public School Trustees of Section number six in the Township of York, in the County of York, and all other Public School property situate within the territory annexed by this Act to the City of Toronto, are hereby vested in and declared to be the property of and to belong to the Public School Board of the City of Toronto, subject to any liabilities existing against the said properties or any debenture, debt, or other securities issued in respect thereof.

Public School  
Board of  
Toronto.

4. The Public School Trustees of Section number six, in the Township of York, are hereby continued in office as regards that portion of said Section not included as part of the City of Toronto within the limits of the Ward of St. Matthew, as hereby formed under this Act with power to make arrangements for the annexation of the said portion of the said section to any other school section of the said township, and to settle all compensation, if any, due to the same by the Public School Board of the City of Toronto, or any other school section in the said township, or in the event of any disagreement by arbitration, as provided under the *Public Schools Act*.

School  
trustees  
of sec. 6 in  
township of  
York con-  
tinued in  
office.

5. (1) Immediately after this Act comes into force, the necessary proceedings shall be had and taken for the election of two Separate School trustees for each of the said Wards of St. Matthew and St. Mark, under the statutes in that behalf, providing for filling vacancies occurring during the year; and the trustees elected at such election shall serve as Separate School trustees on the Separate School Board for the city of Toronto, one for each of the said Wards for the balance of the current year, and one for each of the said Wards for the current year and one year thereafter, the order of their retirement to be determined by lot between them, and recorded by the secretary of the said Separate School Board at the first meeting thereof to be held after such election shall have taken place.

Provisions  
respecting  
Separate  
Schools in  
Wards of St.  
Matthew and  
St. Mark.

(2) All the lands, property and effects which belonged to or were vested in the Separate School trustees of section number twenty-two, in the Township of York, or in the Separate School trustees of section number six, in the Township of York, are hereby vested in, and declared to be the property of, and to belong to the Separate School Board of the city of Toronto, subject to any liabilities existing against the said properties, or any debenture or other securities issued in respect thereof, and for which said School Boards or any of them, before the passing of this Act, were responsible.

(3) Whereas the annexation of the village of Yorkville (now the Ward of St. Paul) to the city of Toronto deprived said school section number one of the support of Roman Catholics resident in said ward, and whereas said school section before such annexation incurred a debt which is still outstanding for the erection of a school house, the Board of Trustees of Roman Catholic Separate Schools for the city of Toronto is hereby empowered to make an agreement to pay to the said section number one an annual sum for a term of years, but not exceeding the term that said school section continues to maintain the school house so erected.

(4) The election held in the year 1883 of trustees in the Ward of St. Paul for the Board of Trustees of the Roman Catholic Separate Schools for the city of Toronto is hereby confirmed.

By-laws may  
be made for :  
Remitting  
taxes on  
Zoological  
Gardens.

8. The Council of the City of Toronto may also pass by-laws: 5

(1) For authorizing the remission from time to time of taxes on the Zoological and Acclimatization Society gardens, the personal property contained therein and used in connection therewith.

Making grant  
in aid of Semi-  
Centennial  
celebration.

(2) For aiding the coming semi-centennial celebration to an amount not to exceed ten thousand dollars; provided, that any by-law for such appropriation shall require to be passed by a two-thirds vote of the council. 10

By-laws may  
be made for :

9. To secure additional pumping power and other improvements now imperatively necessary in connection with the Toronto Water Works, and also to provide the means necessary to procure a site for and the erection of the new court house to be erected within the said city pursuant to the provisions of this Act, and to provide for the acquisition of roads and bridges which the city is obliged to assume where the limits thereof are extended by this or any other Act; and to provide means for constructing the Garrison Creek sewer, it shall and may be lawful for the said Council of the City of Toronto to pass by-laws from time to time and as occasion may require, without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money by the issue of debentures or city stock on the credit of the city at large to the amounts and for the purposes following, that is to say: 15 20 25

Improving  
Water Works.

(1) To an amount not exceeding the sum of one hundred and sixty thousand dollars for the purpose of providing additional pumping power for and otherwise improving and perfecting the Toronto Water Works. 30

Procuring a  
site for and  
erecting a  
court house.

(2) To an amount not exceeding the sum of three hundred thousand dollars for the purpose of procuring a site for and erecting thereon a court house. 35

Paying  
amounts found  
due to county  
of York or to  
companies or  
persons for  
roads.

(3) For paying the amounts, if any, which may from time to time be found due from the corporation of the city of Toronto, by agreement or arbitration, to the corporation of the County of York, and to any plank or gravel road company, or to any other body corporate, or person or persons, for roads, bridges, or other works or improvements, assumed or to be assumed by the council of the City of Toronto, by by-law, pursuant to the provisions of any Act of the Legislature of the Province of Ontario respecting the extension of city limits. 40


Constructing  
Garrison  
Creek Sewer.

(4) To an amount not exceeding the sum of one hundred thousand dollars for the purpose of constructing the said the Garrison Creek sewer. 45

Powers of city  
not abridged  
by provisions  
of this Act.

10. Provided, nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which the said Council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the 50



credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts. 

11. It shall be the duty of the Council of the said city to  
 5 provide a proper site for, and to erect, build, and maintain a Court House, regard being had to the future growth and requirements of the said city and of the County of York; and the said Council may pass by-laws for so erecting, building, and maintaining, and for improving and repairing such Court  
 10 House, and shall preserve and keep the same in repair, and provide fuel and other supplies required for the same, and the same shall be used as the Court House for the County of York as well as for the said city, but for judicial purposes only

City to erect and maintain a court house.

12. The Council of the said city shall have the care of the  
 15 said Court House when erected, and of all offices and rooms and grounds connected therewith, whether the same forms a separate building, or is connected with any other public building, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting,  
 20 heating and cleansing thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light and furniture, for the Courts of Justice, and for all officers connected with such Courts.

City to have care of court house and grounds.

13. The cost of the site and of the erection of the said Court  
 25 House shall be borne solely by the said city, and the existing and future obligations respecting a Court House of the County of York, or of the said county, and the said city jointly shall, from and after the passing of this Act, be assumed and observed by the said city and the said county relieved there-  
 30 from, and the said county shall bear and pay such sum annually for the use of the said Court House for county purposes as may, from time to time, be mutually agreed upon or settled by arbitration under the *Consolidated Municipal Act, 1883*, regard being had to the cost of the site and of erecting, building,  
 35 repairing and maintaining such Court House, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice and the officers thereof, so far as the same should be borne by the said county; ~~and~~ Provided, that in  
 40 fixing such annual sum to be paid by the said county annually the cost of the site and of the erection of the buildings shall not be taken at any larger amount than four hundred thousand dollars; ~~and~~ Provided always, that no indictment  
 45 or other proceedings shall be instituted or prosecuted in respect of Court House accommodation until after a reasonable time for the erection of the said Court House shall have elapsed.

Cost of site and of erection of court house to be borne by city and county to pay an annual sum for use thereof.

Proviso.


Proviso.

14. All fees and other moneys payable by the County of  
 York under the provisions of *The Jurors' Act* and amend-  
 ments thereto, and under Chapters eighty-four, eighty-  
 50 five, and eighty-seven of the Revised Statutes of Ontario, and all other fees and moneys now payable or to be advanced out of County funds for or in connection with the administration of Justice shall be hereafter paid or advanced by and out of City funds; and the fees and moneys payable to the said County or the Treasurer thereof under the provisions

City to pay fees for administration of justice and to receive fees therefor instead of county.

of the said Acts, shall hereafter be paid to the said City or the Treasurer thereof, instead of to the said County or the Treasurer thereof.

Act not to be construed as authorizing an extension of city debt.

**15.** Provided always, that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five. 

Act to be incorporated with municipal and assessment Acts.

**16.** This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto.

No. 37

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the City of Toronto.

(Reprinted as amended by Private Bill Committee.)

First Reading, 14th February, 1884.

(PRIVATE BILL.)

Mr. CLARKE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to amend the Act to Incorporate Knox College.

**W**HEREAS, by an Act of the Parliament of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, chapter sixty-nine, entitled "An Act to Incorporate Knox College," certain persons therein named, and all and every such other person or persons as then were or should at any time thereafter be ministers of the Presbyterian Church of Canada, or members of the said church, in full communion, should thenceforth be a body corporate under the name of "Knox College," with perpetual succession and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power among other things to purchase, acquire, have, take, hold and enjoy by gift, grant, conveyance, devise, bequest or otherwise, to them and their successors, any estate or property, real or personal, to and for the use of the said College in trust for the promotion of theological learning and the education of youth for the holy ministry according to the principles and standard of the Presbyterian Church of Canada, and also with power to let, convey, or otherwise dispose of such real or personal estate from time to time as might be expedient; and whereas it was thereby among other things enacted that the College might acquire any real estate, other than what was required for the purposes of college buildings, offices and residences for professors, tutors, students and officers, with gardens or pleasure grounds pertaining thereto, or any interest therein by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the said College might hold such estate for a period of three years, and invest the proceeds of the sale of such property in the public securities of the said Province, stocks of Chartered Banks, or other approved securities for the use of the said College; and whereas the said College, under the authority of the General Assembly of the Presbyterian Church in Canada, has established an Endowment Fund, the annual income and proceeds whereof are to be applied towards payment of the salaries of the professors, lecturers and tutors of said College, and of the annual expenses connected with the maintenance of the said College; and whereas the said College has represented that it would be for the advantage of said College if the term during which the College may hold real estate or any interest therein, not required for buildings, offices, residences, or gardens as aforesaid, acquired by gift, devise, or bequest, as aforesaid, should be extended to seven years; and whereas the said College has also represented that it would be for the benefit of the College and tend to the security and permanence of said Endowment Fund if the College were authorized to invest the moneys of



said College, whether appropriated for said Endowment Fund or otherwise in the securities mentioned in said Act of Incorporation and also in mortgage securities, over real or personal estate or municipal debentures, or bonds, or debentures of public companies ; and whereas it is expedient to grant the prayer 5 of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lands not required for purposes specified in 22 V., c. 69, may be held for 7 years.

Securities in which moneys may be invested.

Proviso.

1. Knox College may hold lands, tenements, or interests 10 therein, acquired by gift, devise, bequest or purchase, and not required for the purposes specified in the said Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-nine for a period not longer than seven years from the acquisition thereof, and within such period they shall 15 be absolutely disposed of by the said College, which shall have power to grant and convey the said lands to any purchaser, and the proceeds of said sales, and all or any part of the moneys of the said College appropriated to the said Endowment Fund or otherwise, may be invested from time to time in the 20 securities mentioned in the said Act, and also in mortgage securities over real and personal estate, or municipal debentures, or debentures, bonds or stocks of incorporated companies, provided always that no lands, tenements, or interests therein, which may be acquired by the said College by gift, purchase, 25 devise, bequest, foreclosure, or otherwise, and not required by the College for the purposes specified by the said Act, shall be held by the said College for a period longer than seven years after the acquisition thereof, and within that period they shall be absolutely disposed of by the said College, and such lands, 30 tenements or interests therein, as have not within the said period been so disposed of shall revert to the person from whom the same were acquired his heirs, executors, administrators and assigns.





BILL.

An Act to amend the Act to Incorporate  
Knox College.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

Mr. GIBSON (*Hamilton*).

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to amend the Act to Incorporate Knox College.

WHEREAS, by an Act of the Parliament of the late Province Preamble.

of Canada, passed in the twenty-second year of Her Majesty's reign, chapter sixty-nine, entitled "An Act to Incorporate Knox College," certain persons therein named, and all  
5 and every such other person or persons as then were or should at any time thereafter be ministers of the Presbyterian Church of Canada, or members of the said church, in full communion, should thenceforth be a body corporate under the name of "Knox College," with perpetual succession and a common seal,  
10 and with the powers vested in corporate bodies by "The Interpretation Act," and also with power among other things to purchase, acquire, have, take, hold and enjoy by gift, grant, conveyance, devise, bequest or otherwise, to them and their successors, any estate or property, real or personal, to and for  
15 the use of the said College in trust for the promotion of theological learning and the education of youth for the holy ministry according to the principles and standard of the Presbyterian Church of Canada, and also with power to let, convey, or otherwise dispose of such real or personal estate from time  
20 to time as might be expedient; and whereas it was thereby among other things enacted that the College might acquire any real estate, other than what was required for the purposes of college buildings, offices and residences for professors, tutors, students and officers, with gardens or pleasure grounds pertaining  
25 thereto, or any interest therein by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the said College might hold such estate for a period of three years, and invest the proceeds of the sale of such property in the public securities of the said  
30 Province, stocks of Chartered Banks, or other approved securities for the use of the said College; and whereas the said College, under the authority of the General Assembly of the Presbyterian Church in Canada, has established an Endowment Fund, the annual income and proceeds whereof are to be  
35 applied towards payment of the salaries of the professors, lecturers and tutors of said College, and of the annual expenses connected with the maintenance of the said College; and whereas the said College has represented that it would be for the advantage of said College if the term during which  
40 the College may hold real estate or any interest therein, not required for buildings, offices, residences, or gardens as aforesaid, acquired by gift, devise, or bequest, as aforesaid, should be extended to seven years; and whereas the said College has also represented that it would be for the benefit of the College  
45 and tend to the security and permanence of said Endowment Fund if the College were authorized to invest the moneys of

said College, whether appropriated for said Endowment Fund or otherwise, in the securities mentioned in said Act of Incorporation and also in mortgage *and other securities, as hereinafter provided by this Act*; and whereas it is expedient to grant the prayer of the said petition; 5

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands not required for purposes specified in 22 V., c. 69, may be held for seven years.

Securities in which moneys may be invested.

Proviso.

1. Knox College may hold lands, tenements, or interests therein, acquired by gift, devise, bequest or purchase, and not 10 required for the purposes specified in the said Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-nine, for a period not longer than seven years from the acquisition thereof, and within such period they shall be absolutely disposed of by the said *corporation*, which shall have 15 power to grant and convey the said lands to any purchaser, and the proceeds of said sales, and all or any part of the moneys of the said *corporation* appropriated to the said Endowment Fund or otherwise, may be invested from time to time in the securities mentioned in the said Act, and also in mortgage 20 securities over real estate, *whether freehold or leasehold, and also in municipal debentures or the debentures of* any society or company in which any trustee, under section one of chapter twenty-one of the Acts passed in the forty-second year of Her Majesty's reign, may invest any trust fund; *and* provided 25 always, that no lands, tenements, or interests therein, which may be acquired by the said *corporation* by gift, purchase, devise, bequest, foreclosure, or otherwise, and not required by the *corporation* for the purposes specified by the said Act, shall be held by the said *corporation* for a period longer than seven 30 years after the acquisition thereof, and within that period they shall be absolutely disposed of by the said *corporation*, and such lands, tenements or interests therein as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators and 35 assigns.





1st Session, 5th Legislature, 47 Vic., 1884.

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BILL

An Act to amend the Act to Incorporate  
Knox College.

*(Reprinted as amended.)*

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First Reading, 12th February, 1884.

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*(PRIVATE BILL.)*

Mr. GIBSON (*Hamilton*).

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TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Silverbrook Tramway  
Company.

WHEREAS M. Brennen of the City of Hamilton, County of Preamble.

Wentworth, lumber manufacturer; Robert S. Campbell,  
lumber manufacturer, of the County of Dufferin; John Alfred  
Scott Brennen, of the County of Simcoe, lumber manufacturer;  
5 James Willson, of the County of Dufferin, lumber dealer, and  
Hugh Scott Brennen, of the City of Hamilton, have petitioned  
that an Act may be passed incorporating them under the name  
of the "Silverbrook Tramway Company," and authorizing the  
construction, operation and maintenance of a tramway from a  
10 point at or near Tioga Station, on the Hamilton and North-  
Western Railway, to a point at or near Pine River Mills, in the  
County of Dufferin; and whereas it is expedient to grant the  
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The said M. Brennen, Robert S. Campbell, John Alfred Incorporation.  
Scott Brennen, James Willson, Hugh Scott Brennen, and such  
other persons and corporations as shall in pursuance of this Act  
20 become shareholders, are hereby constituted a body corporate  
and politic, by the name of the "Silverbrook Tramway Com-  
pany."

2. The Railway Act of Ontario, chaptered one hundred R. S. O., c.  
and sixty-five of the Revised Statutes of Ontario, and the sev- 165, to apply.  
25 eral clauses thereof respecting "interpretation," "incorporation,"  
"powers," "plans and surveys," "lands and their valuation,"  
"highways and bridges," "fences," "tolls," "general meetings,"  
"president and directors," "calls," "dividends," "shares, and  
their transfer," "shareholders," "municipalities taking stock,"  
30 "by-laws, notices, etc.," "actions for indemnity, and fines and  
penalties and their prosecution," are incorporated with and form  
a part of this Act, and shall apply to the said company, and  
the tramway to be constructed by them, except only in so far  
as they are inconsistent with the express enactments hereof,  
35 and the expression, "this Act," when used herein, shall include  
the clauses of the said Railway Act of Ontario so incorporated  
with this Act.

3. The said company shall have full power under this Act Location of  
to construct, maintain and operate a tramway from any point line.  
40 at or near Tioga Station, on the line of the Hamilton and North-  
Western Railway, to a point at or near Pine River Mills, and to  
such other points within the distance of six miles from said  
mills as may hereafter be determined upon, with full power to  
pass over any portion of the country between the points afore-

said; and the company shall haul or permit to be hauled over its line, all traffic offered at such rates and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council.

Gauge.

4. The said tramway may be of any gauge.

5

Agreements  
with other  
companies.

5. The company shall have power to lease iron and other material, for any term of years, from any railway company lawfully authorized to enter into such agreement, and they shall also have the power to sell or lease the said tramway to any railway company or to make any agreement with any railway company lawfully authorized in that behalf, for operating or partially operating the said tramway.

10

Aid to com-  
pany.

6. The said company may receive, from any private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act.

15

Conveyance of  
existing tram-  
way to com-  
pany.

7. The conveyance, by the said petitioners, of that part of the said tramway now constructed, to the said company, shall vest the same in the said company as if constructed by them under this Act.

20

Carriage of  
passengers  
authorized.

8. The said company may, but shall not be bound to operate the said tramway for passenger traffic.

Right to  
abandon tram-  
way.

9. The company may, at the end of ten years or at any subsequent period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and in such case all lands acquired for the purposes of the said tramway shall, forthwith, thereafter, vest in the owner of the lands respectively severed by the said tramway, or in the person now owning the same, his heirs or assigns, on payment of the price paid for said land.

30

Number of  
directors and  
mode of elec-  
tion.

10. The number of directors of the company shall be five, who shall be elected annually at a general meeting of the shareholders to be held at the office of the company, in the city of Hamilton, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors.

35

First direc-  
tors.

11. The said M. Brennen, Robert S. Campbell, John Alfred Scott Brennen, James Willson, and Hugh Scott Brennen, shall be the first directors of the said company.

40

Capital.

12. The capital of the company hereby incorporated, shall be ten thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into two hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such monies shall be applied to the acquisition, making, equipment and completion of the said tramway.

45

50





1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to incorporate the Silverbrook Tramway Company.

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First Reading,                      , 1884.

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*(PRIVATE BILL.)*

Mr. GIBSON (*Hamilton*).

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.


An Act to incorporate the Silverbrook Tramway  
Company.


WHEREAS M. Brennen of the City of Hamilton, County of Preamble.

Wentworth, lumber manufacturer ; Robert S. Campbell,  
lumber manufacturer, of the County of Dufferin ; John Alfred  
Scott Brennen, of the County of Simcoe, lumber manufacturer ;  
5 James Willson, of the County of Dufferin, lumber dealer, and  
Hugh Scott Brennen, of the City of Hamilton, have petitioned  
that an Act may be passed incorporating them under the name  
of the "Silverbrook Tramway Company," and authorizing the  
construction, operation and maintenance of a tramway from a  
10 point at or near Tioga Station, on the Hamilton and North-  
Western Railway, to a point at or near Pine River Mills, in the  
County of Dufferin ; and whereas it is expedient to grant the  
prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. The said M. Brennen, Robert S. Campbell, John Alfred Incorporation  
Scott Brennen, James Willson, Hugh Scott Brennen, and such  
other persons and corporations as shall in pursuance of this Act  
20 become shareholders, are hereby constituted a body corporate  
and politic, by the name of the "Silverbrook Tramway Com-  
pany."

2. The Railway Act of Ontario, chaptered one hundred R. S. O., c.  
and sixty-five of the Revised Statutes of Ontario, and the sev- 165, to apply.  
25 eral clauses thereof respecting "interpretation," "incorporation,"  
"powers," "plans and surveys," "lands and their valuation,"  
"highways and bridges," "fences," "tolls," "general meetings,"  
"president and directors," "calls," "dividends," "shares, and  
their transfer," "shareholders," "municipalities taking stock,"  
30 "by-laws, notices, etc.," "actions for indemnity, and fines and  
penalties and their prosecution," are incorporated with and form  
a part of this Act, and shall apply to the said company, and  
the tramway to be constructed by them, except only in so far  
as they are inconsistent with the express enactments hereof,  
35 and the expression, "this Act," when used herein, shall include  
the clauses of the said Railway Act of Ontario so incorporated  
with this Act:— Provided, that at the election of any Proviso.  
property owner through whose lands it is proposed to carry  
the said tramway the said company shall be obliged to take  
40 the whole of any township lot and pay therefor, the value of  
such lot to be ascertained by arbitration under the said Act,  
before they can enter the same for the purpose of constructing  
the said tramway, and in such case the lands so acquired shall

not on the abandonment of the tramway vest in the owner of the lands severed thereby. 

Location of line.

3. The said company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near Tioga Station, on the line of the Hamilton and North-Western Railway, to a point at or near Pine River Mills, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul or permit to be hauled over its line, all traffic offered at such rates and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council. 5 10

Gauge.

4. The said tramway may be of any gauge.

Agreements with other companies.

5. The company shall have power to lease iron and other material, for any term of years, from *the Hamilton and North-Western* railway company *if* lawfully authorized to enter into such agreement, and they shall also have the power to sell or lease the said tramway to *the said last-mentioned* railway company or to make any agreement with *the said* railway company *if* lawfully authorized in that behalf, for operating or partially operating the said tramway. 15 20

Aid to company.

6. The said company may receive, from any private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act.

Conveyance of existing tramway to company.

7. The conveyance, by the said petitioners, of that part of the said tramway now constructed, to the said company, shall vest the same in the said company as if constructed by them under this Act. 25

Carriage of passengers authorized.

8. The said company may, but shall not be bound to operate the said tramway for passenger traffic. 30

Right to abandon tramway.

9. The company may, at the end of ten years or at any subsequent period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and in such case all lands acquired for the purposes of the said tramway shall, forthwith, thereafter, vest in the owner of the lands respectively severed by the said tramway, or in the person now owning the same, his heirs or assigns. 35

Number of directors and mode of election.

10. The number of directors of the company shall be five, who shall be elected annually at a general meeting of the shareholders to be held at the office of the company, in the city of Hamilton, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors. 40 45

First directors.

11. The said M. Brennen, Robert S. Campbell, John Alfred Scott Brennen, James Willson, and Hugh Scott Brennen, shall be the first directors of the said company. 50



**12.** The capital of the company hereby incorporated, shall <sup>Capital.</sup> be ten thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into two hundred shares of fifty dollars each, and shall be raised by the  
5 persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition,  
10 making, equipment and completion of the said tramway.

BILL.

An Act to incorporate the Silverbrook  
Tramway Company.

*(Reprinted as amended.)*

First Reading, 12th February, 1884.

*(PRIVATE BILL.)*

Mr. GIBSON (*Hamilton.*)

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting the Hamilton and Dundas Street Railway Company.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for power to build certain branches, to increase and re-adjust their capital account and for other corporate powers, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said company may construct and operate for passengers and freight a branch or branches, or extend the line of their present tramway with one or more branches and with all necessary side tracks and turn-outs from any point in the City of Hamilton through the said city and the Townships of Barton, Saltfleet and North Grimsby, to a point on Lake Ontario, in the Township of Saltfleet, and may extend the same line or build a branch to a point on Lake Ontario, in the Township of Saltfleet, and may extend the same line or build a branch to a point on Lake Ontario, in the Township of North Grimsby, with power to build any part of the said extension or branches in sections. The said tramway may be carried along and upon such streets and highways as may be authorized by the resolutions or By-laws of the respective corporations, having jurisdiction over the same, and the said company shall possess the powers conferred upon Railway Companies under the clauses of the "Railway Act of Ontario," headed "lands and their valuation."

Power to construct branches.

2. The said company shall not be obliged to work and operate the said extension or branches during the winter season.

Company not bound to work branches in the winter.

3. The said company shall have power to acquire by lease or purchase from the Hamilton Street Railway Company, who are hereby authorized to lease or sell the same, any portion of the line of their street railway.

Power to acquire part of Hamilton Street Railway.

4. The said company are hereby authorized to lease or sell their undertaking and line of rail or tramway as it at present exists or as it may be hereafter extended to any railway or other corporation, upon such terms as may be agreed on, provided always that any such lease or sale shall be null and void, unless consented to by two-thirds or more in value of the shareholders of the said company present in person or by proxy at a meeting to be called to consider the terms of such lease or

Power to lease or sell.

sale and to ratify the same ; and all the corporate and by-law rights of the said company, relating to the operation of the said rail or tramway, shall by such lease or sale, for the purposes thereof pass to the lessee or purchaser.

Power to lease and operate lines of companies incorporated under 46 V. c. 16.

5. The said company are hereby authorized to lease and operate the line of any street railway, constructed or hereafter constructed by any company incorporated, or to be incorporated, under the Act passed by the Legislature of Ontario in the forty-sixth year of Her Majesty's reign, Chapter sixteen, upon such terms as may be agreed upon between such Companies. 5 10

Power to call in and cancel issue of bonds authorized by 44 V. c. 65 and to issue perpetual debenture stock.

6. The company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of fifty thousand dollars, authorized by section three of the Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered sixty-five, and also to call in, cancel and revoke the issue of preference stock now outstanding to the extent of twenty thousand dollars, authorized by the first section of the said Act, and the said company are hereby authorized and empowered to make and issue a perpetual debenture stock to the total extent of                      thousand dollars, and bearing interest at the rate of                      per centum per annum, which said debenture stock shall be taken and considered to be the first and preferential charge and claim upon the undertaking and property of the said company, including its rolling stock and equipments then existing or at any time thereafter acquired, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of the said debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid, provided that the present bond-holders of the said company shall have given to or reserved for them as the consideration for the cancellation of their several holdings an equivalent amount of such debenture stock and provided that out of the proceeds of the remainder thereof the amount of the said preference stock shall be paid to the holders thereof at par. 15 20 25 30 35 40

Rights of holders of debenture stock on default in payment of interest.

7. In case of default in the payment of interest or dividends on the said debenture stock the holders thereof shall have the right to call upon the Secretary of the said company to register their respective holdings in the books of the said Company and thereupon such holders shall have and possess the same right to vote at the shareholders' meetings in the election of directors and otherwise in the management of the said Company as are possessed by the ordinary shareholders thereof. 40 45

Increase of capital in case extensions made.

8. In the event of the said company proceeding with the extensions or branches hereby authorized they shall have power to increase their capital stock from twenty-six thousand dollars to fifty thousand dollars by the further issue of four hundred and eighty shares at fifty dollars each, and such shares shall be sold by the directors upon such terms as to them shall seem best.

Increase of debenture stock.

9. The said company are also hereby authorized in such event to make a further issue of debenture stock to rank



equally as a preferential charge and claim upon the undertaking and property of the company, including its rolling stock and equipments then existing or at any time thereafter acquired with the debenture stock authorized to be issued by the sixth section of this Act to the extent of a sum not exceeding dollars per mile to be issued from time to time as the said extensions or branches may be constructed.

10. Provided always that it shall be necessary to obtain the consent of two-thirds of the holders of the bonds or debenture stock of the said company before the said company shall be at liberty to proceed with the extension or branches hereby authorized, and such consent may be in writing to be entered in full in the minute book of the said Company, or it may be given at any meeting of any such bond or debenture stockholders, called for that purpose by the Secretary of the company by circular mailed to each bond or debenture stockholder weeks before the time of holding such meeting.

Consent of bond and debenture holders to extension required.

11. The said company may make and enter into any agreement with any municipal council as to their terms of occupancy of any street or highway.

Agreements as to occupancy of streets.

12. Except within the corporate limits of the City of Hamilton the tramway of the said company shall not cross the line of any railway on level grade.

Tramway not to cross railways on the level except within limits of Hamilton. Fares.

13. Subject to the terms of any agreement with a municipal corporation the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents.

14. The company may make special rates for the carriage of fruit and milk.

Special rates.

15. The company may make and enter into an agreement with the Ontario Methodist Camp Ground Company for aid in the construction of their said extension or branches from the said Camp Ground Company by way of loan or bonus or subscription of stock or otherwise, and the said company may grant the said Camp Ground Company special rates for passengers and goods to and from the grounds of the said Camp Ground Company in exchange for such aid.

Aid from Ontario Methodist Camp Ground Company authorized.

16. The said company is hereby authorized to purchase lease, dispose of, let, sell, convey, or mortgage, any lands or premises suitable for parks or pleasure grounds, and the said company are authorized to improve and lay out such lands as parks or places of public resort and to increase the area of any such park from time to time and may make and enter into any agreements or arrangements with any municipal corporation in respect thereto.

Power as to lands for park and pleasure purposes.

17. The said company may receive from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said tramway by way of gift,

Aid to company.

bonus or loan of money or debentures or other securities for money or by way of guarantee or otherwise upon such terms and conditions as may be agreed upon.

Aid from  
municipali-  
ties.

**18.** Any municipality or any portion of a township municipality which may be interested in securing the construction 5 of the said tramway, or through any part of which or near which the tramway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by the guarantee of the municipal 10 corporation or otherwise under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a By-law for the purpose and the adoption of such By-law by the qualified rate- 15 payers of the municipality or portion of municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as  
to bonus by-  
laws.

**19.** Such By-law shall be submitted by the Municipal Council to the vote of the ratepayers in manner following, 20 namely:—

(1.) The proper petition shall first be presented to the council expressing the desire to aid the tramway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a By-law to the effect petitioned for 25 and submit the same for the approval of the qualified voters.

(2.) In the case of a township municipality the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under the Municipal 30 Act.

(3.) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality 35 being duly qualified voters as aforesaid.

Provisions for  
referring to ar-  
bitration dis-  
putes as to  
bonus by-laws.

**20.** In case of aid from a township municipality fifty resi- dent freeholders of the township may petition the Township Council against submitting the said By-law upon the ground 40 that certain minor municipalities or portions thereof comprised in the said By-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with of a sum sufficient to defray the expense of such reference the said council shall forthwith refer the said petition to three arbitra- 45 tors who shall have power to confirm or amend the said By-law by excluding therefrom any minor municipality or any section thereof, and the decision of any two of them shall be final; and the By-law so confirmed or amended shall thereupon at the option of the company be submitted by the council to 50 the duly qualified voters, and in case the By-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the township, as the arbitrators may order.

Deposit for ex-  
penses.

**21.** Before any such By-law is submitted the company 55

shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said By-law.

22. All municipalities or portions thereof interested in the construction of the tramway of the said company may grant aid by way of loan or bonus, or subscription of stock or otherwise to the said company towards the construction of such tramway, notwithstanding that such aid may increase the municipal taxation of such municipalities, or portions thereof, beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

23. Such By-law shall in each instance provide (1) For raising the amount petitioned for in the municipality or portion of the municipality (as the case may be) mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said By-law. (2.) For assessing and levying upon all ratable property lying within the municipality or portion of the municipality defined in said By-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

By-law what to contain.

24. The term "minor municipality" shall be construed to mean any town not separated from the municipal county or incorporated village situate in the county municipality.

"Minor municipality" meaning of.

25. In case the By-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said By-law a third time and pass the same.

If by-law carried council to pass the same.

26. Within one month after the passing of such By-law the said council and the reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such By-law and otherwise act according to the terms thereof.

And issue debentures.

27. It shall be lawful for the corporation of any municipality through any part of which the tramway of the said Company passes or is situate by By-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exemption from or agreement as to taxes.



Extension of  
time for  
completion.

**28.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company (and they shall have full power) to extend the time for the completion of the works on the completion of which the said company would be entitled to such bonus.

5

Extension of  
time for com-  
mencement.

**29.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution, or By-law, extend the time for the commencement of the work beyond that stipulated for in the By-law or By-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Trustees of  
debentures.

**30.** Whenever a municipality or portion of a municipality shall grant aid by way of bonus or gift to the company the debentures therefor shall, within six months after the passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-  
ceeds of de-  
bentures.

**31.** The said trustees shall receive the said debentures or bonds in trust firstly, under the directions of the company, but subject to the conditions of the By-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton and Dundas Street Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the By-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in the Schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the By-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trustees en-  
titled to fees.

**32.** The trustees shall be entitled to their reasonable fees and charges from said trust fund and the act of any two of such trustees shall be as valid and binding as if the three had agreed.



33. The corporation of any municipality through which the said tramway may pass is empowered to grant by way of gift to the said company any land belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said tramway, and the said tramway company shall have power to accept gifts of land from any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company, and it shall be lawful for any municipality through which the said tramway passes and having jurisdiction in the premises to pass a By-law or By-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Grants of  
lands by  
municipali-  
ties.

34. The company may pay or agree to pay in paid-up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way or material or plant or rolling stock, buildings or lands and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons who may be employed by the company, for the purpose of assisting the company in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be directors or not, and any agreement so made shall be binding on the company.

Payments in  
stock or bonds  
authorized.

#### SCHEDULE A.

(Section 31)

#### CHIEF ENGINEER'S CERTIFICATE.

The Hamilton and Dundas Street Railway Company's Office,  
Engineer's Department.

No. . . . .

A.D. 188 . . . . .

Certificate to be attached to cheques drawn on the Hamilton and Dundas Street Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer for the Hamilton and Dundas Street Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the Township of (or under the agreement dated the day of , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [Here set out the terms and conditions, if any, which have been fulfilled.]

1st Session, 5 Legislature, 47 Vic. 1884.

BILL.

An Act respecting the Hamilton and Dundas Street Railway Company.

First Reading.	1884.
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(*PRIVATE BILL*)

MR. AWREY.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Hamilton and Dundas Street Railway Company.

**W**HEREAS the Hamilton and Dundas Street Railway Company have petitioned for power to build certain branches, to increase and re-adjust their capital account and for other corporate powers, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said company may construct and operate for passengers and freight a branch or branches, or extend the line of their present tramway with one or more branches and with all necessary side tracks and turn-outs from any point in the City of Hamilton through the said city and the Townships of Barton and Saltfleet, to a point on Lake Ontario, *at or near Van Wagner's Beach*, in the Township of Saltfleet, and may extend the same line or build a branch to a point on Lake Ontario, in the Township of North Grimsby, *at or near the Ontario Methodist Camp Grounds*, with power to build any part of the said extension or branches in sections. The said tramway may be carried along and upon such streets and highways as may be authorized by the By-laws of the respective corporations, having jurisdiction over the same, ~~and~~ and subject to any restrictions herein contained, and subject to the rights of the Hamilton Street Railway Company, under any By-law and agreement relating thereto, the said company may make and enter into any agreement with any municipal council as to the terms of occupancy of any street or highway ; Provided that no By-law of the Corporation of the city relating to the extension of the said street railway, or tramway, or the building of any of the said branches, or as to the occupancy of any street or streets, or the giving of any rights as to the operation of such extension or branches, shall be passed without a two-third vote of the Council of the said city ; and, provided further that the said City Council shall not have the power to give the right to the said company to occupy any part of King Street or of Main Street, east of Wellington Street, in the said city, for any part of such extension or branches, nor shall the said company have the right to use steam power in operating the said extension or branches within the said city, and provided also that the said City Council may enact in any such By-law as a condition precedent to the right of such company to construct any such extension or branches, that the route of the street railway or tramway, as now constructed and operated, shall be changed, and that it shall be reconstructed and operated on such other

Preamble.

Power to construct branches.

Proviso.

Proviso.

Proviso.

streets or route, and in such other manner as shall be provided for by such By-law. Provided always that nothing herein contained shall be taken to alter or vary the terms of any existing By-law of or agreement with any municipality in reference to the existing line of the said company. 5

Proviso. (2.) Provided, however, that the said Hamilton and Dundas Street Railway shall not have the right to carry the line of their said tramway over any road, held or owned under the "General Road Companies Act," without the permission of the owner or owners of such road or roads; nor shall the said 10 tramway be carried on or along Main Street, east of the easterly boundary of the City of Hamilton without the consent of the owners of property fronting on the said street, but this shall not prevent the crossing by the said tramway of any such road or Main Street aforesaid. 15



Certain clauses of R.S.O. c. 165 incorporated. 2. The said company shall possess the powers conferred upon Railway Companies under the clauses of "*The Railway Act of Ontario*," headed "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," 20 "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and form part of this Act, and shall apply to the said company and 25 the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario, so incorporated with this Act; Provided, always that the clauses "lands and 30 their valuation" shall not apply within the City of Hamilton.



Company not bound to work branches in the winter. 3. The said company shall not be obliged to work and operate the said extension or branches during the winter season.

Power to lease or sell. 4. The said company are hereby authorized, *subject to the* 35 *approval of the Council of the City of Hamilton*, to lease or sell their undertaking and line of *street railway* or tramway as it at present exists or as it may be hereafter extended to any railway or other corporation, upon such terms as may be agreed on, provided always that any such lease or sale shall 40 be null and void, unless consented to by two-thirds or more in value of the shareholders of the said company present in person or by proxy at a meeting to be called to consider the terms of such lease or sale and to ratify the same; and all the corporate and by-law rights of the said company relating to 45 the operation of the said *street railway* or tramway, shall by such lease or sale, for the purposes thereof pass to the lessee or purchaser.

Power to call in and cancel issue of bonds authorized by 44 V. c. 65 and to issue perpetual debenture stock. 5. The company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of fifty 50 thousand dollars, authorized by section three of the Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered sixty-five, and also to call in, cancel and revoke the issue of preference stock now outstanding to the extent of twenty thousand dollars, authorized by the first section of the said Act, 55





and the said company are hereby authorized and empowered to make and issue a perpetual debenture stock *not exceeding the sum of one hundred thousand dollars*, and bearing interest at a rate *not exceeding* the rate of *six* per centum per annum, which said debenture stock shall be taken and considered to be the first and preferential charge and claim upon the undertaking and *real* property of the said company, including its rolling stock and equipments then existing or at any time thereafter acquired, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of the said debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid, provided that the present bondholders of the said company shall have given to or reserved for them as the consideration for the cancellation of their several holdings an equivalent amount of such debenture stock,  or at the election of any bondholder he shall be entitled to receive the amount of his holding of such bonds or coupons in cash, at par,  and provided that out of the proceeds of the remainder thereof the amount of the said preference stock shall be paid to the holders thereof at par.

6. In case of default in the payment of interest or dividends on the said debenture stock the holders thereof shall have the right to call upon the Secretary of the said company to register their respective holdings in the books of the said Company and thereupon such holders shall have and possess the same right to vote at the shareholders' meetings in the election of directors and otherwise in the management of the said Company as are possessed by the ordinary shareholders thereof,  namely, one vote for each fifty dollars of the face value of said bonds or debenture stock. 

Rights of holders of debenture stock on default in payment of interest.

7. In the event of the said company proceeding with the extensions or branches hereby authorized they shall have power to increase their capital stock from twenty-six thousand dollars to fifty thousand dollars by the further issue of four hundred and eighty shares at fifty dollars each, and such shares shall be sold by the directors upon such terms as to them shall seem best.

Increase of capital in case extensions made.

8. The said company are also hereby authorized in such event to make a further issue of debenture stock to rank equally as a preferential charge and claim upon the undertaking and *real* property of the company, including its rolling stock and equipments then existing or at any time thereafter acquired, with the debenture stock authorized to be issued by the sixth section of this Act to the extent of *an additional* sum not exceeding *six thousand* dollars per mile,  to be computed upon the mileage of such extension or branches,  to be issued from time to time as the said extensions or branches may be constructed.

Increase of debenture stock.

9. Provided always that it shall be necessary to obtain the consent of two-thirds of the shareholders and of the holders of the bonds or debenture stock of the said company before the said company shall be at liberty to proceed with the extension or branches hereby authorized, and such consent may be

Consent of bond and debenture holders to extension required.

in writing to be entered in full in the minute book of the said Company, or it may be given at any meeting of any such *shareholders* bond or debenture stock holders, called for that purpose by the Secretary of the company by circular mailed to each bond or debenture stockholder *two* weeks before the time of holding such meeting. 5

Fares.

**10.** Subject to the terms of any agreement with a municipal corporation the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents. 10

Special rates.

**11.** The company may make special rates for the carriage of fruit and milk.

Aid from Ontario Methodist Camp Ground Company authorized.

**12.** The company may make and enter into an agreement with the Ontario Methodist Camp Ground Company for aid in the construction of their said extension or branches from the said Camp Ground Company by way of loan or bonus or subscription of stock or otherwise, and the said company may grant the said Camp Ground Company special rates for passengers and goods to and from the grounds of the said Camp Ground Company in exchange for such aid. 20

Power as to lands for park and pleasure purposes.

**13.** The said company is hereby authorized to purchase lease, dispose of, let, sell, convey, or mortgage, any lands or premises suitable for parks or pleasure grounds, *not exceeding one hundred acres*, and the said company are authorized to improve and lay out such lands as parks or places of public resort and *within such limits* to increase the area of any such park from time to time and may make and enter into any agreements or arrangements with any municipal corporation in respect thereto. 25

Aid to company.

**14.** The said company may receive from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said tramway by way of gift, bonus or loan of money or debentures or other securities for money or by way of guarantee or otherwise upon such terms and conditions as may be agreed upon. 30 35

Aid from municipalities.

**15.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said tramway, or through any part of which or near which the tramway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by the guarantee of the municipal corporation or otherwise under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a By-law for the purpose and the adoption of such By-law by the qualified rate-payers of the municipality or portion of municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. 40 45 50

Provisions as

**16.** Such By-law shall be submitted by the Municipal

Council to the vote of the ratepayers in manner following, to bonus by laws.  
namely:—

(1.) The proper petition shall first be presented to the council expressing the desire to aid the tramway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a By-law to the effect petitioned for and submit the same for the approval of the qualified voters.

(2.) In the case of a township municipality the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under the Municipal Act.

(3.) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

17. Before any such By-law is submitted the company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said By-law. Deposit for expenses.

18. Any municipality or portion of a township municipality interested in the construction of the tramway of the said company may grant aid by way of loan or bonus, or subscription of stock or otherwise to the said company towards the construction of such tramway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

19. Such By-law shall in each instance provide (1) For raising the amount petitioned for in the municipality or portion of the municipality (as the case may be) mentioned in the petition by the issue of debentures of the township or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said By-law. (2.) For assessing and levying upon all ratable property lying within the municipality or portion of the municipality defined in said By-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively. By-law what to contain.

20. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor municipality" meaning of.



If by-law carried council to pass the same.

**21.** In case the By-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said By-law a third time and pass the same.

5

Issue of debentures.

**22.** Within one month after the passing of such By-law the said council and the reeve or other officers thereof shall issue the debentures necessary to raise the sum mentioned in such By-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

10

Exemption from or agreement as to taxes.

**23.** It shall be lawful for the corporation of any municipality through any part of which the tramway of the said Company passes or is situate by By-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a provision contained therein.

15

20

Extension of time for completion

**24.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

25

Extension of time for commencement.

**25.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution, or By-law, extend the time for the commencement of the work beyond that stipulated for in the By-law or By-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

30

Trustees of debentures.

**26.** Whenever a municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company the debentures therefor shall, within six months after the passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live

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

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out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

27. The said trustees shall receive the said debentures or Trusts of proceeds of debentures.  
 5 bonds in trust firstly, under the directions of the company, but subject to the conditions of the By-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office  
 10 in the Province of Ontario in the name of "The Hamilton and Dundas Street Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the By-law granting the said bonus and on the certificate of the  
 15 chief engineer of the said company for the time being in the form set out in the Schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the By-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payments  
 20 or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

28. The trustees shall be entitled to their reasonable fees Trustees entitled to fees.  
 25 and charges from said trust fund and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

-  29. The said extension shall be commenced within five Limit of time for commencement and completion of extension.  
 years, and completed within seven years after passing of this  
 Act. 

## SCHEDULE A.

### (Section 27)

#### CHIEF ENGINEER'S CERTIFICATE.

The Hamilton and Dundas Street Railway Company's Office,  
 Engineer's Department.

No. . . . .

A.D. 188 . . . . .

Certificate to be attached to cheques drawn on the Hamilton and Dundas Street Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer for the Hamilton and Dundas Street Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the Township of (or under the agreement dated the day of , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of  
 [Here set out the terms and conditions, if any, which have been fulfilled.]

1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act respecting the Hamilton and Dundas Street Railway Company.

*(Reprinted as amended.)*

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First Reading, 12th February, 1884.

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*(PRIVATE BILL.)*

Mr. AWREY.

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Rogest Davis to practise as a solicitor.

**W**HEREAS Delos Rogest Davis, of the Township of Colchester, north, in the county of Essex, hath by his petition, set forth that previous to the year one thousand eight hundred and seventy-four, he was, for the period of four years, a teacher of public schools; that in the month of December, one thousand eight hundred and seventy-one, he was appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the nineteenth day of June, one thousand eight hundred and seventy-three, he was duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year one thousand eight hundred and seventy-three, he has devoted himself entirely and exclusively to the study and practice of law, as such commissioner, notary public and conveyancer, and also as an advocate in the Division Courts and as attorney, in fact, in numbers of cases in which counsel have been engaged in the higher courts; that from circumstances set forth in his petition, beyond his control, he has been unable to comply with the rules and forms of the Law Society and the statutes, regulating the admittance of persons to practise as solicitors in the Supreme Court of Judicature for Ontario, but that he has acquired such an education in law, as will, in his opinion, enable him to pass the examination prescribed by the Law Society, if not required to comply with the said rules and forms of entrance; and whereas the said Delos Rogest Davis is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said court to admit him to practise as a solicitor therein upon his passing such final examinations as may be prescribed by the said society; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario, at any time hereafter, to admit the said Delos Rogest Davis to practise as a solicitor of the said court, upon his paying the proper fees in that behalf and passing the final examination for admission prescribed by the rules of the Law Society of Upper Canada, without his compliance with any other requirement or provision of law or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

D. R. Davis  
may be admitted as a  
solicitor under  
certain  
conditions.

No. 41.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to Admit Delos  
Rogest Davis to practise as a Solicitor.

First Reading , 1884.

(*PRIVATE BILL*)

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Rogest Davis to practise as a solicitor.

**W**HEREAS Delos Rogest Davis, of the Township of Colchester, north, in the county of Essex, hath by his petition, set forth that previous to the year one thousand eight hundred and seventy-four, he was, for the period of four years, a teacher of public schools; that in the month of December, one thousand eight hundred and seventy-one, he was appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the nineteenth day of June, one thousand eight hundred and seventy-three, he was duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year one thousand eight hundred and seventy-three, ~~and~~ and from before that time he has endeavoured and has been anxious to enter the profession of the law; that in consequence of prejudices against his colour and because of his being of African descent he has been unable to get himself articulated to any attorney or solicitor within his county though he has repeatedly made applications for that purpose; that he has, notwithstanding, for now more than eleven years past devoted himself to the study of the law, and to its practice so far as this could legally be done by one who has not been admitted as a solicitor, and that he has acquired such an education in law as will in his opinion enable him to pass all of the intermediate and final examinations prescribed by the Law Society for persons seeking to be admitted as solicitors; ~~and~~ and whereas the said Delos Rogest Davis is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said court to admit him to practise as a solicitor therein upon his passing such *intermediate and final* examinations as may be prescribed by the said society; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario, at any time hereafter, to admit the said Delos Rogest Davis to practise as a solicitor of the said court, upon his paying the proper fees in that behalf and passing examinations at any time or times all the intermediate and final examinations prescribed by the rules of the Law Society of Upper Canada, without his compliance with any other requirement or provision of law or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

D. R. Davis  
may be admitted as a solicitor under certain conditions.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to Admit Delos  
Rogest Davis to practise as a Solicitor.

*(Reprinted as amended.)*

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First Reading, 12th February, 1884.

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(*PRIVATE BILL.*)

Mr. BALFOUR.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Rogest Davis to practise as a solicitor.

WHEREAS Delos Rogest Davis, of the Township of Colchester, north, in the county of Essex, hath by his petition, set forth that previous to the year one thousand eight hundred and seventy-four, he was, for the period of four years, a teacher of public schools; that in the month of December, one thousand eight hundred and seventy-one, he was appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the nineteenth day of June, one thousand eight hundred and seventy-three, he was duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year one thousand eight hundred and seventy-three, ~~and~~ and from before that time he has endeavoured and has been anxious to enter the profession of the law; that in consequence of prejudices against his colour and because of his being of African descent he has *not been articled to any attorney or solicitor, or served under articles*; that he has, notwithstanding, for now more than eleven years past devoted himself to the study of the law, and to its practice so far as this could legally be done by one who has not been admitted as a solicitor, and that he has acquired such an education in law as will in his opinion enable him to pass the final examination prescribed by the Law Society for persons seeking to be admitted as solicitors; ~~and~~ and whereas the said Delos Rogest Davis is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said court to admit him to practise as a solicitor therein upon his passing such final examination as may be prescribed by the said society; and whereas *it has been established that the said Delos Rogest Davis is otherwise a proper person to be admitted as a solicitor on his passing such examination, and whereas it is expedient to grant the prayer of the said petition*;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario, at any time hereafter, to admit the said Delos Rogest Davis to practise as a solicitor of the said court, upon his paying the proper fees in that behalf and passing ~~at~~ at any time or times ~~the~~ the final examination for admission prescribed by the rules of the Law Society of Upper Canada, without his compliance with any other requirement or provision of law or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

D. R. Davis may be admitted as a solicitor under certain conditions.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to admit Delos  
Rogest Davis to practise as a Solicitor.

*(Reprinted as amended.)*

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First Reading,	12th February,	1884.
Second       "	7th March,	1884.

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(PRIVATE BILL.)

Mr. BALFOUR.

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.



An Act Respecting the Toronto and Nipissing Eastern  
Extension Railway Company.

**W**HEREAS the Toronto and Nipissing Eastern Extension Railway Company have petitioned for certain amendments to their Act of incorporation, passed in the forty-third year of Her Majesty's reign, chaptered sixty-seven; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company is hereby changed from that of "The Toronto and Nipissing Eastern Extension Railway Company" to that of "The Irondale, Bancroft and Ottawa Railway Company." Name changed.
2. The capital stock of the said company shall consist of one thousand shares of one hundred dollars each, instead of four thousand shares of twenty-five dollars each, as provided by the Act of incorporation of said company. Number and amount of shares changed.
3. Section eleven of the said Act, passed in the forty-third year of Her Majesty's reign, and chaptered sixty-seven, is hereby amended by striking out the word "twenty" therein and inserting the word "five" in lieu thereof. 43 Vic., c. 67, s. 11, amended. Qualification of directors.
4. All by-laws by any municipality for granting aid by way of bonus to the said company shall be valid, notwithstanding that the same shall require the levying of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar. By-law requiring a rate exceeding three cents on the dollar to be valid.
5. The said company shall have power to issue bonds subject to the provisions of the thirtieth section of the said Act to the extent of twenty thousand dollars per mile of their railway. Bonds may be issued for \$20,000 per mile.
6. The said Toronto and Nipissing Eastern Extension Railway Company is hereby declared to have been, at the time of the passing of this Act, an existing corporation. Company declared to be an existing corporation.
7. The time for the building and completion of the said railway is hereby extended to the first day of January, 1887. Time for building road extended.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the Toronto and Nipissing Eastern Extension Railway Company.

First Reading, , 1884.

(*PRIVATE BILL.*)

Mr. FELL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act Respecting the Toronto and Nipissing Eastern  
Extension Railway Company.

**W**HEREAS the Toronto and Nipissing Eastern Extension Railway Company have petitioned for certain amendments to their Act of incorporation, passed in the forty-third year of Her Majesty's reign, chaptered sixty-seven; and it is expedient to grant the prayer of the said petition;

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2. The capital stock of the said company shall consist of one thousand shares of one hundred dollars each, instead of four thousand shares of twenty-five dollars each, as provided by the Act of incorporation of said company. Number and amount of shares changed.
3. Section eleven of the said Act, passed in the forty-third year of Her Majesty's reign, and chaptered sixty-seven, is hereby amended by striking out the word "twenty" therein and inserting the word "five" in lieu thereof. 43 Vic., c. 67, s. 11, amended. Qualification of directors.
4. The said company shall have power to issue bonds, subject to the provisions of the thirtieth section of the said Act, to the extent of twenty thousand dollars per mile of their railway. Bonds may be issued for \$20,000 per mile.
5. The said Toronto and Nipissing Eastern Extension Railway Company is hereby declared to be, at the time of the passing of this Act, an existing corporation. Company declared to be an existing corporation.
6. The time for the building and completion of the said railway is hereby extended to the first day of January, 1887. Time for building road extended.
7. Nothing in this Act contained shall in any way interfere with the rights or remedies of any creditors of the said Toronto and Nipissing Eastern Extension Railway Company, but all such rights and remedies shall continue and may be maintained against the said Irondale, Bancroft and Ottawa Railway Company. Rights of creditors preserved.

BILL.

An Act respecting the Toronto and Nipissing Eastern Extension Railway Company.

*(Reprinted as amended.)*

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First Reading, 14th February, 1884.

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*(PRIVATE BILL.)*

MR FELL.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



No. 43.]

## BILL.

[1884.

An Act relating to the Municipality of Neebing.

WHEREAS the corporation of the municipality of Neebing Preamble.  
have petitioned for an Act legalizing the assessments  
heretofore made in the said municipality, and to change the  
qualification of voters ; and it is expedient to grant the prayer  
5 of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The assessment rolls of the municipality of Neebing, as Assessment  
10 passed by the Court of Revision, are hereby declared to be rolls con-  
valid and binding. firmed.

2. The qualification for voters in the said municipality shall Qualification  
hereafter be the same as in township municipalities in this of voters.  
Province.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act relating to the Municipality of  
Neebing.

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First Reading,                      , 1884.

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*(PRIVATE BILL.)*

Mr. LYON.

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

## An Act relating to the Municipality of Neebing.

WHEREAS the corporation of the municipality of Neebing Preamble.  
have petitioned for an Act legalizing the assessments  
heretofore made in the said municipality *for the years 1881*  
*and 1882*, and to change the qualification of voters; and it is  
5 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The assessment rolls of the municipality of Neebing, *for* Assessment  
rolls con-  
firmed.  
10 *the years 1881 and 1882*, passed by the Court of Revision,  
*and certified by the Stipendiary Magistrate*, are hereby declared  
to be valid and binding.

2. The qualification for voters in the said municipality shall Qualification  
of voters.  
hereafter be the same as in township municipalities in this  
15 Province.

---

1st Session, 5th Legislature, 47 Vic, 1884.

---

BILL.

An Act relating to the Municipality of  
Neebing.

*(Reprinted as amended.)*

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First Reading, 14th February, 1884.

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MR. LYON.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act respecting the Lake Simcoe Junction Railway Company.

**W**HEREAS the Lake Simcoe Junction Railway Company Preamble.  
have petitioned the Legislature to amend the Acts relating to the said company, so as to enable them to amalgamate or consolidate with, or sell to, any other railway company duly authorized thereunto, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

10 **1.** Unless the context shall require a different interpretation Interpreta-  
of the words hereby interpreted in the construction of this Act, tion.  
the words “the company” shall mean the Lake Simcoe Junction Railway Company, the words “the railway” the railway of the Lake Simcoe Junction Railway Company, and the words  
15 “the purchasing company” shall mean the railway company which shall purchase the railway of the Lake Simcoe Junction Railway Company.

**2.** It shall be lawful for the company to sell the railway, to- Power to sell  
gether with all and singular the franchises, houses, buildings, railway.  
20 stations, station grounds, property, rights, ways, privileges and appurtenances of the company, to any other railway company duly authorized in that behalf, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said other railway company so pur-  
25 chasing the railway may, so far as this Legislature may have authority to confer such power, exercise all and every the rights, franchises, powers and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies:  
Provided, however, that no such sale shall take effect until it  
30 shall have been submitted to a special general meeting of the Proviso.  
proprietors or persons having a right to vote at special or general meetings of the company and shall have been approved by a majority in value of such proprietors or persons present in person or by proxy, voting at the said meeting.

35 **3.** Before any action shall be taken under the next preceding section of this Act, the secretary of the company shall, and he is hereby authorized to, call a general meeting of the proprietors or persons entitled to vote at general meetings of the company, for the purpose of electing a new board of directors  
40 for the company; such meeting shall be called in the manner authorized by the Acts relating to the company for calling general or annual meetings of the shareholders of the company;

New Board of  
Directors to  
be elected.

at such meeting the said proprietors or persons present in person or by proxy, shall elect, by a majority of votes in value, the number of directors authorized by the said Acts relating to the company, and the directors so elected shall be and become the duly authorized board of directors of the company for one year from and after such election, and until their successors shall be duly elected in the place of the present board of directors.

Power to issue consolidated bonds.

4. The board of directors of the purchasing company, upon such approval of the sale of the railway, as mentioned in the third section of this Act, may and are hereby authorized to create a mortgage to secure bonds on the purchasing company's property, including the property of the company, to rank *pari passu* with the first mortgage bonds, which shall then have been or may thereafter be issued by the purchasing company, for a sum not exceeding twelve thousand dollars per mile, for each mile in length of the railway of the company completed at the time of such sale, and all bonds issued by the purchasing company, under said mortgage, shall rank and stand *pari passu* with all former and subsequent first mortgage bonds issued by the purchasing company, and all former and subsequent first mortgage bonds of the purchasing company shall stand and rank *pari passu* with the bonds issued by the purchasing company, under the authority of this section, upon the property of the company. The purchasing company shall use and apply the bonds issued under the authority of this section, firstly, in paying, exchanging and getting in the bonds heretofore issued by the company to the extent necessary for that purpose, and the balance, if any, shall be held for the purposes of the purchasing company.

Power to redeem bonds of the L. S. T. R. Company.

5. It may and shall be lawful for the agreement for the sale authorized by the second section of this Act to stipulate that a certain amount of the first mortgage bonds of the purchasing company, fixed by and named in the said agreement of sale, shall be provided for the redemption of all outstanding bonds of the company, and upon such amount of first mortgage bonds of the purchasing company being issued and ready for delivery it shall and may be lawful for the secretary of the purchasing company to give notice in the *Ontario Gazette* to that effect, and upon the first publication of such notice, the holders of the outstanding bonds of the company shall forthwith become entitled *pari passu* to receive such of the bonds of the purchasing company as the said agreement shall appropriate to them, and the outstanding bonds of the company, and all coupons for interest thereon, shall become null and void, except for the purpose of compelling the delivery of the bonds of the purchasing company provided by the said agreement.

Termination of agreement with T. & N. R. Company.

6. Upon the approval of the sale of the railway, as provided in the third section of this Act, and publication of the notice mentioned in the fifth section hereof, the agreement entered into between the company and the Toronto and Nipissing Railway Company, set out in the Act passed in the forty-second year of Her Majesty's reign, and chaptered sixty-two, shall cease, determine, and be of no effect.

Repeal.

7. All Acts and parts of Acts inconsistent with this Act are hereby repealed.



1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act respecting the Lake Simcoe Junction  
Railway Company.

First Reading, , 1884.

(*PRIVATE BILL.*)

Mr. FREEMAN.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act respecting the Lake Simcoe Junction Railway Company.

**W**HEREAS the Lake Simcoe Junction Railway Company Preamble.  
have petitioned the Legislature to amend the Acts relating to the said company, so as to enable them to amalgamate or consolidate with, or sell to, any other railway company duly authorized thereunto, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 **1.** Unless the context shall require a different interpretation Interpreta-  
of the words hereby interpreted in the construction of this Act, tion.  
the words “the company” shall mean the Lake Simcoe Junction Railway Company, the words “the railway” the railway of the Lake Simcoe Junction Railway Company, and the words  
15 “the purchasing company” shall mean the railway company which shall purchase the railway of the Lake Simcoe Junction Railway Company.

**2.** It shall be lawful for the company to sell the railway, together with all and singular the franchises, houses, buildings, Power to sell railway.  
20 stations, station grounds, property, rights, ways, privileges and appurtenances of the company, to any other railway company duly authorized in that behalf, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said other railway company so purchasing the railway may, so far as this Legislature may have authority to confer such power, exercise all and every the rights, franchises, powers and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies:  
25 Provided, however, that no such sale shall take effect until it Proviso.  
30 shall have been submitted to a special general meeting of the shareholders and bondholders of the company called in the manner authorized by the Acts relating to the company for calling general or annual meetings of the shareholders of the company, and shall have been approved by a majority in  
35 value of such proprietors or persons present in person or by proxy, voting at the said meeting.

**3.** Before any action shall be taken under the next preceding section of this Act, the secretary of the company shall, and he is hereby authorized to, call a general meeting of the  
40 *shareholders and bondholders* of the company, for the purpose of electing a new board of directors for the company; such meeting shall be called in the manner authorized by the New Board of Directors to be elected.

Acts relating to the company for calling general or annual meetings of the shareholders of the company; at such meeting the said *shareholders and bondholders* present in person or by proxy, shall elect, by a majority of votes in value, the number of directors authorized by the said Acts relating to the company, and the directors so elected shall be and become the duly authorized board of directors of the company for one year from and after such election, and until their successors shall be duly elected in the place of the present board of directors. 5

Power to issue consolidated bonds.

4. The board of directors of the purchasing company, upon such approval of the sale of the railway, as mentioned in the *second* section of this Act, may, and are hereby authorized ~~to~~ (after the sanction of the shareholders of the purchasing company shall have been first obtained at a special general meeting called for such purpose), ~~to~~ to create a mortgage to secure bonds on the ~~the~~ undertaking and real property of the purchasing company including its rolling stock and equipments then existing and at any time thereafter acquired, including the undertaking and real property of the company with its rolling stock and equipments then existing or at any time thereafter acquired, ~~to~~ to rank *pari passu* with the first mortgage bonds, which shall then have been or may thereafter be issued by the purchasing company, for a sum not exceeding twelve thousand dollars per mile, for each mile in length of the railway of the company completed at the time of such sale, and all bonds issued by the purchasing company, under said mortgage, shall rank and stand *pari passu* with all former and subsequent first mortgage bonds issued by the purchasing company, and all former and subsequent first mortgage bonds of the purchasing company shall stand and rank *pari passu* with the bonds issued by the purchasing company, under the authority of this section, upon the *said* property of the company. The purchasing company shall use and apply the bonds issued under the authority of this section, firstly, in paying, exchanging and getting in the bonds heretofore issued by the company to the extent necessary for that purpose, and the balance, if any, shall be held for the purposes of the purchasing company. 10 15 20 25 30 35

Power to redeem bonds of the L. S. J. R. Company.

5. It may and shall be lawful for the agreement for the sale authorized by the second section of this Act to stipulate that a certain amount of the first mortgage bonds of the purchasing company, fixed by and named in the said agreement of sale, shall be provided for the redemption of all outstanding bonds of the company, and upon such amount of first mortgage bonds of the purchasing company being issued and ready for delivery it shall and may be lawful for the secretary of the purchasing company to give notice in the *Ontario Gazette* to that effect, and upon the first publication of such notice, the holders of the outstanding bonds of the company shall forthwith become entitled *pari passu* to receive such of the bonds of the purchasing company as the said agreement shall appropriate to them, and the outstanding bonds of the company, and all coupons for interest thereon, shall become null and void, except for the purpose of compelling the delivery of the bonds of the purchasing company provided by the said agreement. 40 45 50 55

Termination of agreement

6. Upon the approval of the sale of the railway, as provided

in the *second* section of this Act, ~~and~~ and with the sanction of <sup>with T. & N.</sup> the shareholders of the Midland Railway of Canada, successors <sup>R. Company.</sup> of the Toronto and Nipissing Railway Company, in general meeting assembled first had and obtained which sanction shall  
 5 be sufficiently proven by being certified under the hand of the chairman of such meeting, ~~and~~ and publication of *the said certificate* and the notice mentioned in the fifth section hereof, the agreement entered into between the company and the Toronto and Nipissing Railway Company, set out in the Act passed in  
 10 the forty-second year of Her Majesty's reign, and chaptered sixty-two, shall cease, determine, and be of no effect.

~~7.~~ 7. Nothing in this Act shall in any manner affect the rights or position of any of the municipalities which have contributed by way of bonus towards the construction of the rail-  
 15 way of the company, and the security for the continuous running of the railway provided by sub-section eight of section twenty-two of chapter one hundred and sixty-six of the Revised Statutes of Ontario shall in no way be impaired or affected by this Act. ~~and~~ <sup>Rights of municipalities reserved.</sup>

20 8. All Acts and parts of Acts inconsistent with this Act are Repealed hereby repealed.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the Lake Simcoe Junction  
Railway Company.

*(Reprinted as amended.)*

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First Reading, 14th February, 1884.

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*(PRIVATE BILL.)*

MT. FREEMAN.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Village of Woodville.

WHEREAS the inhabitants of the Village of Woodville Preamble.  
have, by their petition, set forth that it would greatly  
conduce to the benefit of the said village to be incorporated,  
and have prayed for an Act accordingly; and whereas it is  
5 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. On and after the passing of this Act the inhabitants of Incorporation  
of the Village  
of Woodville.  
10 the said Village of Woodville comprised within the boundaries  
hereinafter mentioned, shall be, and they are hereby, consti-  
tuted a corporation or body politic, separate and apart from  
the Townships of Mariposa and Eldon in which the said vil-  
lage is now situate, under the name of "The Corporation of the  
15 Village of Woodville," and shall enjoy all such rights, powers  
and privileges as are now, or shall hereafter be, conferred up-  
on incorporated villages in the Province of Ontario.

2. The said Village of Woodville shall comprise and consist Boundaries.  
of the following parcels and tracts of land, that is to say: the  
20 south-east quarter of lot number one in the second concession  
of the Township of Eldon, in the County of Victoria, fifty  
acres; the south twelve and one-half acres of the west half  
of said lot; the east twelve and one-half acres of the north-  
east quarter of said lot; and lot number one in the third con-  
25 cession of the said township—two hundred acres; also the  
north parts of lots numbers three and four, in the fifteenth con-  
cession of the Township of Mariposa, in the said county, con-  
taining together fifty acres; the north parts of lots numbers  
five, six and seven, in the said fifteenth concession of Mariposa,  
30 containing in all one hundred and fifty acres; the east twelve  
and one-half acres of the south half of the north half of said  
lot number five; and the west twelve and one-half acres of the  
south half of the north half of said lot number six.

3. Immediately after the passing of this Act it shall be First election  
of reeve and  
councillors.  
35 lawful for John Calder Gilchrist, Esquire, of the said Village  
of Woodville, who is hereby appointed the returning officer,  
to hold the nomination for the first election of reeve and  
councillors at the Town Hall, or some other prominent place  
in the said village, at the hour of noon; and he shall give one  
40 week's notice thereof by at least six bills posted up in con-  
spicuous places in the said village, and by publication in some  
newspaper (if any) published within the said village; and he

shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages. 5

Qualification of electors and officers.

4. At the said first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Township Clerks to furnish copies of rolls.

5. The Township Clerks of the Townships of Mariposa and Eldon shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose. 15 20

First meeting of council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at the Town-hall, in the said village, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination. 25

Acts respecting municipal institutions to apply.

7. Except as otherwise provided by this Act, the provisions of "The Consolidated Municipal Act, 1883," and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Woodville in the same manner as they would have been applicable had the said Village of Woodville been incorporated under the provisions of the said Acts. 30

Provisions as to debts of townships.

8. The said Village of Woodville shall be liable to pay to the Treasurer of each of the Townships of Mariposa and Eldon, in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as shown by the collector's roll of the said several townships for the year one thousand eight hundred and eighty-three, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied. 35 40

Village to be separated from the townships.

9. From and after the passing of this Act the said village shall cease to form part of the Townships of Mariposa and Eldon and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario. 45

**10.** The said village shall for the purpose of representation <sup>Village to</sup> in the Legislative Assembly, belong to and form part of the <sup>form part of</sup> Electoral District of the South Riding of the County of Vic- <sup>South</sup> <sup>Victoria.</sup> toria.

5 **11.** The expenses of obtaining this Act, and of furnishing <sup>Expenses of</sup> any documents, copies of papers, writings, deeds, or any mat- <sup>Act.</sup> ter whatsoever, required by the Clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be  
10 entitled thereto.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to incorporate the Village of  
Woodville.

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First Reading,	1884.
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(*PRIVATE BILL.*)

Mr. MCINTYRE.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Village of Woodville.

**W**HEREAS the inhabitants of the Village of Woodville Preamble.  
have, by their petition, set forth that it would greatly  
conduce to the benefit of the said village to be incorporated,  
and have prayed for an Act accordingly; and whereas it is  
5 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. On and after the passing of this Act the inhabitants of Incorporation  
10 the said Village of Woodville comprised within the of the Village  
boundaries *in the second section of this Act* mentioned, of Woodville.  
shall be, and they are hereby, constituted a corpora-  
tion or body politic, separate and apart from the Town-  
ships of Mariposa and Eldon in which the said village  
15 is now situate, under the name of "The Corporation of the  
Village of Woodville," and shall enjoy all such rights, powers  
and privileges as are now, or shall hereafter be, conferred up-  
on incorporated villages in the Province of Ontario.

2. The said Village of Woodville shall comprise and consist Boundaries.  
20 of the following parcels and tracts of land, that is to say: the  
south-east quarter of lot number one in the second concession  
of the Township of Eldon, in the County of Victoria,  
the south twelve and one-half acres of the west half  
of said lot; the east twelve and one-half acres of the north-  
25 east quarter of said lot; and lot number one in the third con-  
cession of the said township—two hundred acres; also the  
north *quarters of the north halves* of lots numbers three and  
four in the fifteenth concession of the Township of Mariposa,  
in the said county; the north *halves of the north halves* of lots  
30 numbers five, six and seven, in the said fifteenth concession of  
Mariposa, the east twelve and one-half acres of the south half  
of the north half of said lot number five; and the west twelve  
and one-half acres of the south half of the north half of said  
lot number six, *inclusive of all the original allowances for*  
35 *roads within the said lands.*

3. *On the fourth Monday* after the passing of this Act it shall First election  
be lawful for John Calder Gilchrist, Esquire, of the said Village of reeve and  
of Woodville, who is hereby appointed the returning officer, councillors.  
to hold the nomination for the first election of reeve and  
40 councillors at the Town Hall, or some other prominent place  
in the said village, at the hour of noon; and he shall  
preside at such nomination or in case of his absence the  
electors present shall choose from among themselves a chair-  
man to officiate, who shall have all the powers of a return-

ing officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages. 5

Qualification  
of electors and  
officers.

4. At the said first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages. 10

Township  
Clerks to fur-  
nish copies of  
rolls.

5. The Township Clerks of the Townships of Mariposa and Eldon shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose. 15 20

First meeting  
of council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at the Town-hall, in the said village, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination. 25

Acts respect-  
ing municipal  
institutions to  
apply.

7. Except as otherwise provided by this Act, the provisions of "The Consolidated Municipal Act, 1883," and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Woodville in the same manner as they would have been applicable had the said Village of Woodville been incorporated under the provisions of the said Acts. 30

Provisions as  
to debts of  
townships.

8. The said Village of Woodville shall be liable to pay to the Treasurer of each of the Townships of Mariposa and Eldon, in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as shown by the collector's roll of the said several townships for the year one thousand eight hundred and eighty-three, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the Township of Eldon and Mariposa respectively, shall contribute towards the payment of the said debts in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied. 35 40 45

Village to be  
separated from  
the townships.

9. From and after the passing of this Act the said village shall cease to form part of the Townships of Mariposa and Eldon and shall, to all intents and purposes, form a separate 50

and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

**10.** The said village shall for the purpose of representation in the Legislative Assembly, belong to and form part of the Electoral District of the South Riding of the County of Victoria.  
 5 Village to form part of South Victoria.

**11.** The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever, required by the Clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.  
 10 Expenses of Act.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to incorporate the Village of  
Woodville.

*(Reprinted as amended.)*

First Reading, 15th February, 1884.

*(PRIVATE BILL.)*

MR. MCINTYRE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



## An Act to incorporate the Village of Woodville.

WHEREAS the inhabitants of the Village of Woodville have, by their petition, set forth that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed for an Act accordingly; and whereas it is  
 5 expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of  
 10 the said Village of Woodville comprised within the boundaries *in the second section of this Act mentioned*, shall be, and they are hereby, constituted a corporation or body politic, separate and apart from the Townships of Mariposa and Eldon in which the said village  
 15 is now situate, under the name of "The Corporation of the Village of Woodville," and shall enjoy all such rights, powers and privileges as are now, or shall hereafter be, conferred upon incorporated villages in the Province of Ontario.

Incorporation of the Village of Woodville.

2. The said Village of Woodville shall comprise and consist  
 20 of the following parcels and tracts of land, that is to say: the south-east quarter of lot number one in the second concession of the Township of Eldon, in the County of Victoria, the south twelve and one-half acres of the west half of said lot; the east twelve and one-half acres of the north-  
 25 east quarter of said lot; and lot number one in the third concession of the said township—two hundred acres; also the north *quarters of the north halves* of lots numbers three and four in the fifteenth concession of the Township of Mariposa, in the said county; the north *halves of the north halves* of lots  
 30 numbers five, six and seven, in the said fifteenth concession of Mariposa, the east twelve and one-half acres of the south half of the north half of said lot number five; and the west twelve and one-half acres of the south half of the north half of said lot number six, *inclusive of all the original allowances for*  
 35 *roads within or between the said lands.*

Boundaries.

3. On the fourth Monday after the passing of this Act it shall be lawful for John Calder Gilchrist, Esquire, of the said Village of Woodville, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and  
 40 councillors at the Town Hall, or some other prominent place in the said village, at the hour of noon; and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a return-

First election of reeve and councillors.

ing officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incor- 5  
porated villages.

Qualification  
of electors and  
officers.

4. At the said first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, coun- 10  
cillors and other officers shall be the same as that required in incorporated villages.

Township  
Clerks to fur-  
nish copies of  
rolls.

5. The Township Clerks of the Townships of Mariposa and Eldon shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last 15  
revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose. 20


First meeting  
of council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at the Town-hall, in the said village, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination. 25

Acts respect-  
ing municipal  
institutions to  
apply.

7. Except as otherwise provided by this Act, the provisions of "The Consolidated Municipal Act, 1883," and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated 30  
villages shall apply to the Village of Woodville in the same manner as they would have been applicable had the said Village of Woodville been incorporated under the provisions of the said Acts.

Provisions as  
to debts of  
townships.

8. The said Village of Woodville shall be liable to pay to 35  
the Treasurer of each of the Townships of Mariposa and Eldon, in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as 40  
shown by the collector's roll of the said several townships for the year one thousand eight hundred and eighty-three, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the Township 45  
of Eldon and Mariposa respectively, shall contribute towards the payment of the said debts in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied. 

Village to be  
separated from  
the townships.

9. From and after the passing of this Act the said village 50  
shall cease to form part of the Townships of Mariposa and Eldon and shall, to all intents and purposes, form a separate

and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever, required by the Clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Expenses of Act.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Mariposa and Eldon, or either of them, from holding office in said councils during the current year.

Qualification of councillors of Mariposa and Eldon for present year not affected.

12. Notwithstanding the provisions of the *Liquor License Act*, the License Commissioners may, subject to the provisions of any by-law of the municipality, grant as many tavern licenses in the said corporation as there are in the said village at the time of the passing of this Act, namely, three, subject to the statutory conditions as to accommodation.

Special provisions as to licenses.

BILL.

An Act to incorporate the Village of  
Woodville.

*(Reprinted as amended.)*

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First Reading,	15th February,	1884.
Second     "	29th           "	1884.

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*(PRIVATE BILL.)*

Mr. MCINTYRE.

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TORONTO.

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to authorize the Toronto Street Railway Company to issue mortgage debentures, and for other purposes.

WHEREAS the Toronto Street Railway Company has by its petition prayed that an Act may be passed, enabling the said company to issue mortgage debentures, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Toronto Street Railway Company, with the consent of a majority representing two-thirds in value of the shareholders therein, present in person or by proxy, at a meeting specially called for that purpose, to make and issue from time to time debentures to an amount not exceeding six hundred thousand dollars, payable at such time and place and bearing such rate of interest as the said company by such majority as aforesaid may determine, and such debentures shall, without registration or formal mortgage or conveyance, be a charge upon the said railway, its rolling stock, equipments and motive power thereto belonging, and upon the lands, tolls, revenues and other property of the said company, for the due payment of the amounts payable by virtue of such debentures and the interest thereon; and each holder of any of such debentures shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues and other property *pro rata* with the other holders of such debentures.

Issue of debentures authorized.

2. Upon and after the issue by the said company of the said debentures under this Act, all bonds or debentures heretofore issued by the said company under any former Act, whether of the late Province of Canada or of this Province and outstanding, shall be called in, redeemed and cancelled, and the said bonds and debentures so called in shall, when delivered up, no longer form a charge on the said railway, its rolling stock, equipments, or motive power thereto belonging, or upon the lands, tolls, revenues or other property of the said company, or be of any force or effect; provided however, that in the event of the said existing bond-holders or debenture-holders failing to deliver up the bonds held by them, the said company shall issue and reserve a sufficient amount of the debentures authorized to be issued by this Act, to meet and pay the said bonds or debentures not so delivered up by the holders thereof as aforesaid, to be cancelled, and the interest thereon.

On issue of debentures under this Act all outstanding debentures to be redeemed and cancelled.

Particulars as  
to debentures.

3. The debentures to be issued under this Act shall be under the seal of the company and shall be signed by the President of the company, and counter-signed by the Secretary, and the said debentures and the coupons attached thereto providing for the payment of the interest thereupon, may be issued payable to bearer at such place or places as may be deemed advisable, and shall be transferable by delivery, and such transfer shall vest the property of such debentures in the holder thereof so as to enable him to maintain an action thereon in his own name. 5 10

Debentures  
may be either  
perpetual or  
terminable.

4. The said debentures may be made either perpetual or terminable, and may be made, executed and issued in such form as the said company, with the consent provided for in the first section hereof, may determine.

No debenture  
to be less than  
\$1,000.

5. None of said debentures shall be made for any sum less than one thousand dollars, and the said company may either issue the whole of said debentures at one time, or may issue the same from time to time, as may be determined upon, with the consent provided in the first section hereof. 15

Power to  
mortgage  
debentures.

6. The said company may from time to time and at any time sell, hypothecate or pledge any of the said debentures to be issued under the provisions of this Act, subject to the restriction hereinbefore provided as to reserve for outstanding debentures of other issues, and may apply and use the proceeds for the benefit of the said company as they see fit. 20 25



BILL.

An Act to authorize the Toronto Street Railway Company to issue mortgage debentures, and for other purposes.

First Reading,                      , 1884.

(*PRIVATE BILL.*)

Mr. BADGEROW.

TORONTO:

PRINTED by THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Charter of Incorporation of the  
Ontario Methodist Camp Ground Company.

WHEREAS, under the provisions of the Ontario Joint Stock Preamble.

Companies' Letters Patent Act, a charter was granted by the Lieutenant-Governor in Council incorporating "The Ontario Methodist Camp Ground Company;" and whereas the said company have petitioned for an Act to enable them to issue debentures to a limited amount, and for other powers not conferred by their charter; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the board of directors of the said company from time to time, and the board is hereby empowered under the authority of a by-law of the board from time to time passed, to issue from time to time, for the purposes of the company, debentures to be called preferential debentures executed by the president for the time being of the company and countersigned by the secretary of the company, payable to bearer at such times and places and bearing such rate of interest, and payable in such manner and either at one time or at different dates, as may be stated in the by-law authorizing such issue, and which debentures and interest shall without registration or other formal conveyance be taken and considered to be first preferential claims and charges upon all the real and personal property, rights and credits of the company then existing or at any time thereafter acquired, and upon all the tolls and revenues of the company during the currency of such preferential debentures, and each by-law authorizing such issue shall state the total amount of preferential debentures to be issued under such by-law, and each holder of said preferential debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders of preferential debentures issued under and by virtue of the same by-law upon all such real and personal property, rights, credits, tolls and revenues of the company; provided always, that except for the purpose of redeeming or renewing debentures issued under a former by-law, it shall not be lawful for the company to pass a second or other by-law for authorizing the issue of debentures to be charged on its property, rights, credits, tolls, revenues, already charged with debentures issued under a previous by-law until it shall have paid and satisfied all outstanding debentures charged on such property, rights or credits by said previous by-law.

Issue of debentures authorized.

Proviso.

Assignment  
and payment  
of debentures.

2. The said preferential debentures may be in sums of not less than fifty dollars each and shall be assignable by delivery and may also be sold, pledged or hypothecated; and payment of any of such debentures or the interest thereon by or on behalf of the company to any person having actual possession thereof shall be a good and valid payment. 5

Power to ac-  
quire lands.

3. The said company is also empowered to lease or purchase, take and hold, in addition to the land already acquired by it such additional land in the Township of North Grimsby 10 as the directors may deem advisable and to improve and embellish the same and sell, lease or otherwise dispose of the same in lots or otherwise.

Taking land  
without con-  
sent of owner.

4. The company, in addition to its present powers, shall 15 have power and authority by its servants, agents and workmen to enter upon any lands of any person or persons, bodies, politic or corporate, and survey and ascertain such portions thereof as it shall require from time to time for the purpose of its incorporation as hereby extended, doing no actual or substantial damage, and when surveyed or ascertained to contract and agree with the owners and occupiers of such lands for the 20 purchase thereof, and in case of disagreement in respect of the sum to be paid for the said lands, the company shall serve upon the owner of or party interested in the said lands, or, in the case of an incorporated company upon the president, vice-president, secretary or treasurer, or other officer thereof, a 25 notice in writing, signed by its president, vice-president, or secretary, specifying the particular lands proposed to be appropriated, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, and naming a person as arbitrator in case the sum offered is not 30 accepted as compensation as aforesaid, and thereupon the owner or party interested shall, within five days after being personally served with such notice, notify the company in writing that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of 35 the lands), or that he refuses the compensation offered and that he has named an arbitrator, giving the name, and the two arbitrators so named shall within five days meet and name a third arbitrator, and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject 40 matter in controversy and make their award in writing thereon, which being signed by two of the said arbitrators shall be final and binding on the parties to the said reference, subject, however, to be set aside or sent back for amendment as in the case of ordinary arbitrations; provided always, if the said 45 owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators, or a majority of them, not make their award according to and as required by the provisions of this 50 section in that behalf, then in any of such cases or events it shall be lawful for the company on two days' notice to the said owner or party interested to apply to the Judge of the County Court of the County of Lincoln, who shall thereupon appoint one person as sole arbitrator whose award of and concerning 55 the premises shall be final and conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended as in ordinary cases of arbitration.

Proviso.

5. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands, it shall be lawful for the company to take possession of the said lands the same as though a conveyance had been executed, and the company may register the said award in the registry office of the County of Lincoln and pay the amount awarded into one of the superior courts in Ontario and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands.

When company may enter into possession.

6. Sections thirteen, fourteen, fifteen and seventeen, and sub-sections six, nine, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-four, twenty-six, twenty-seven and twenty-eight of section twenty of the Railway Act of Ontario, chapter one hundred and sixty-five of the Revised Statutes, shall, so far as applicable, be incorporated with, and be deemed as part of, this Act, and shall apply to the said company, except only so far as they may be inconsistent with the other express enactments of this Act.

R. S. O., c. 165, ss. 13, 15, 17, and s. 20, sub ss. 6, 9, 14, 18, 24, 26, 28, incorporated.

7. In all cases of arbitration if the sum awarded exceeds the amount offered by the company in the notice in the fourth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded, the owners or occupiers shall pay the costs of the arbitration and award, which may be deducted from the compensation, and in either case the costs shall on notice be taxed by the judge of the County Court of the County of Lincoln.

Costs of arbitration.

8. The directors of the said company, if they see fit at any time and from time to time, may make a by-law for increasing the capital stock of the company to any further amount not exceeding fifty thousand dollars beyond the amount of its present capital stock, which they may consider requisite for the due carrying out of the objects and extended powers of the company; such by-laws shall declare the number and value of the shares of the new stock and may prescribe the manner in which the same is to be allotted, and in default of their doing so the control of such allotment shall be held to vest absolutely in the directors, but no such by-law or by-laws shall have any force or effect unless sanctioned by three-fourths in value of the shareholders present at a general or special meeting of the shareholders of said company, nor shall any such by-law require to be confirmed by supplementary letters patent.

Increase of capital.

9. The said company is hereby further empowered to impose upon and collect from any person seeking an entrance into the premises occupied by the company, and those claiming under the company, an admission fee, the amount of which shall be in the discretion of the directors of the company.

Fees for admission to grounds.

10. The said company may, with the sanction of three-fourths in value of the shareholders, grant a bonus out of the funds of the company to any railway company erecting a station in or convenient to the company's premises.

Bonus to railway company erecting a station on or near grounds.

11. The company shall have full power to erect and maintain wharves and

Power to build wharves and



to run and use steamboats. **tain** wharves adjacent to their grounds and to charter or purchase and run passenger steamboats in connection therewith.

Application of taxes on company's property.

**12.** The taxes hereafter levied upon the property of the company and upon the property of persons claiming through the company and situate within the company's enclosures, by the municipalities of the County of Lincoln and the Township of North Grimsby respectively, shall be applied and expended exclusively by the said municipalities in such manner in improving the avenues in and the approaches to the company's premises and otherwise as the said company shall from time to time by writing under the hand of its president or secretary direct. 5 10

Company and township may make agreement for closing up highways adjacent to company's premises.

**13.** It shall be lawful for the said company and the municipality of the Township of North Grimsby to enter into any agreement for closing up any public highway adjoining the premises of the said company in pursuance of a by-law in that behalf to be passed by the council of said municipality. 15

No. 47.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Charter of Incorporation of the Ontario Methodist Camp Ground Company.

First Reading, , 1884.

(PRIVATE BILL.)

Mr. GIBSON (*Hamilton*.)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Charter of Incorporation of the  
Ontario Methodist Camp Ground Company.

WHEREAS, under the provisions of the Ontario Joint Stock Preamble.  
Companies' Letters Patent Act, a charter was granted  
by the Lieutenant-Governor in Council incorporating "The  
Ontario Methodist Camp Ground Company;" and whereas the  
said company have petitioned for an Act to enable them to  
issue debentures to a limited amount, and for other powers  
not conferred by their charter; and whereas it is expedient to  
grant the prayer of the said petition;


Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. It shall and may be lawful for the board of directors of  
the said company from time to time, and the board is hereby  
empowered under the authority of a by-law of the board from  
time to time passed, to issue from time to time, for the pur-  
poses of the company, debentures to be called preferential de-  
bentures executed by the president for the time being of the  
company and countersigned by the secretary of the company,  
payable to bearer at such times and places and bearing such  
rate of interest, and payable in such manner and either at one  
time or at different dates, as may be stated in the by-law  
authorizing such issue, and which debentures and interest shall  
without registration or other formal conveyance be taken and  
considered to be first preferential claims and charges upon all  
the real and personal property, rights and credits of the com-  
pany then existing or at any time thereafter acquired, and  
upon all the tolls and revenues of the company during the cur-  
rency of such preferential debentures, and each by-law author-  
izing such issue shall state the total amount of preferential de-  
bentures to be issued under such by-law, and each holder of said  
preferential debentures shall be deemed to be a mortgagee and  
encumbrancer *pro rata* with all the other holders of preferential  
debentures issued under and by virtue of the same by-law  
upon all such real and personal property, rights, credits, tolls  
and revenues of the company; provided always, that except  
for the purpose of redeeming or renewing debentures issued  
under a former by-law, it shall not be lawful for the company  
to pass a second or other by-law for authorizing the issue of  
debentures to be charged on its property, rights, credits, tolls,  
revenues, already charged with debentures issued under a pre-  
vious by-law until it shall have paid and satisfied all outstand-  
ing debentures charged on such property, rights or credits by  
said previous by-law, or shall have obtained the consent  
in writing of all the holders of debentures theretofore issued

Issue of de-  
bentures  
authorized.

Proviso.

Proviso.



by the said company : Provided, that the power to issue debentures hereby conferred are to be taken and considered as substituted for any powers to issue debentures now possessed by said company under the provisions of the Act mentioned in the preamble hereto. 

5

Assignment and payment of debentures.

2. The said preferential debentures may be in sums of not less than fifty dollars each and shall be assignable by delivery and may also be sold, pledged or hypothecated ; and payment of any of such debentures or the interest thereon by or on behalf of the company to any person having actual possession thereof shall be a good and valid payment. 10

Rights of existing debenture holders protected.

3.  Provided always, that if the said company has under any powers contained in the Act mentioned in the preamble hereto, issued any debentures then and in such case no preferential or other debentures shall be issued under the provisions of this Act, unless and until the consent in writing of all the holders of any debentures firstly mentioned in this section shall be given for the issue to be made, or proposed to be made, under this Act.  15



Power to acquire lands.

4. The said company is also empowered to lease or purchase, take and hold, in addition to the land already acquired by it such additional land in the Township of North Grimsby *not exceeding in the whole one hundred acres*, as the directors may deem advisable and to improve and embellish the same and sell, lease or otherwise dispose of the same in lots or otherwise. 20 25

Increase of capital.

5. The directors of the said company, if they see fit at any time and from time to time, may make a by-law for increasing the capital stock of the company to any further amount not exceeding fifty thousand dollars beyond the amount of its present capital stock, which they may consider requisite for the due carrying out of the objects and extended powers of the company ; such by-laws shall declare the number and value of the shares of the new stock and may prescribe the manner in which the same is to be allotted, and in default of their doing so the control of such allotment shall be held to vest absolutely in the directors, but no such by-law or by-laws shall have any force or effect unless sanctioned by three-fourths in value of the shareholders present at a general or special meeting of the shareholders of said company, nor shall any such by-law require to be confirmed by supplementary letters patent. 30 35 40

Fees for admission to grounds.


6. The said company is hereby further empowered to impose upon and collect from any person seeking an entrance into the premises occupied by the company, and those claiming under the company, an admission fee, the amount of which shall be  fixed by a by-law of the said company, but the payment of such admission fee or the receipt thereof by the company shall not be held to prevent the company from excluding or ejecting any person from the said premises for behaving in an unruly or disorderly manner.  45 50

Bonus to railway company, etc., erecting a

7. The said company may, with the sanction of three-fourths in value of the shareholders, grant a bonus out of the

funds of the company to any railway company, *street railway station on or*  
*or tramway*, erecting a station in or convenient to the com- *near grounds.*  
 pany's premises.

8 So far as the Legislature of Ontario has power to enact, *Power to build*  
 5 the company shall have full power to erect and main- *wharves and*  
 tain wharves adjacent to their grounds and to charter or pur- *to run and use*  
 chase and run passenger steamboats in connection therewith. *steamboats.*

9. It shall be lawful for the said company and the muni- *Company and*  
 cipality of the Township of North Grimsby to enter into any *township may*  
 10 agreement for closing up any public highway adjoining the *make agree-*  
 premises of the said company in pursuance of a by-law in that *ment for clos-*  
 behalf to be passed by the council of said municipality ; *ing up high-*  
 but *ways adjacent*  
 before passing such by-law the said council shall in respect of *to company's*  
 such by-law comply with all the provisions of section five *premises.*  
 15 hundred and forty-six of the Consolidated Municipal Act,  
 1883, and said by-law shall be considered and taken to be a  
 by-law within the said section. 

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Charter of Incorporation of the Ontario Methodist Camp Ground Company.

*(Reprinted as amended.)*

First Reading, 12th February, 1884.

*(PRIVATE BILL.)*

Mr. GIBSON (*Hamilton*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to authorize the Corporation of the Town of Strathroy to purchase certain lands therein for a public cemetery.

WHEREAS the town of Strathroy has, by its petition, Preamble.  
represented that additional land is required for a public  
cemetery, and whereas the lands hereinafter described adjoin  
the public cemetery belonging to the said town; and  
5 whereas the said lands are the most desirable and avail-  
able for an addition to the said cemetery; and whereas  
doubts exist as to the power of said town to purchase lands  
within the municipality for cemetery purposes; and whereas  
it is expedient to grant the prayer of the said petition;  
10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The corporation of the town of Strathroy are hereby em-  
powered to purchase the following lands situate, lying and  
15 being in the said town, and being composed of town lots num-  
bers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, six-  
teen, seventeen, eighteen, nineteen, twenty, twenty-one,  
twenty-two, twenty-three, twenty-four, twenty-five, twenty-  
six, twenty-seven, twenty-eight, twenty-nine and thirty, on  
20 the north side of Metcalfe Street or town line, between the  
townships of Adelaide and Caradoc, in W. H. Armstrong's sur-  
vey of part of lot number twenty-one in the fifth concession  
in the township of Adelaide, south of the Egremont Road, for a  
public cemetery and no other purpose.

Power to pur-  
chase certain  
lands on the  
north side of  
Metcalfe  
Street.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to authorize the Corporation of the Town of Strathroy to purchase certain lands therein for a public cemetery.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

Mr. Ross (*Middlesex*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's Reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited 5 so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and, whereas, the said Company has represented by its petition that, since the passing of the said Act they were unable to complete said railway owing to the inability of the Canada Southern Rail- 10 way Company to carry out certain promises made by said Canada Southern Railway Company to them, and that the said Company have good grounds for believing that within a few months they will be able to make arrangements with other railway corporations for building a portion of the railway; and, whereas, 15 the said company has prayed that the said Act may be revived and amended, and the time for the commencement and completion of said railway extended for two years and five years, respectively, from the day of the passing of this Act, and it is expedient to grant the prayer of said petition; 20 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed by the Legislature of Ontario in the thirty- 38 V. c. 54, eighth year of the Reign of Her Majesty, and chaptered fifty- and 39 V. 25 four, intituled, "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company," and the Act amending the same, passed in the thirty-ninth year of Her Majesty's Reign, and chaptered eighty-two, are hereby revived and declared to be in full force and effect, and the time therein 30 limited for the commencement and completion of the railway authorized to be constructed from Port Stanley to Port Franks, is hereby extended for the period of two years and five years, respectively, from the passing of this Act; provided, always, that the powers conferred by the said Acts or either of them 35 to group municipalities together for the purpose of obtaining a bonus therefrom, are hereby repealed.

2. The fourth section of said Act is hereby amended by in- 38 V. c. 54, serting in the fourth line, immediately after the word "leasing," s. 4, amended. the words "or selling."

40 3. The directors are hereby authorized to issue debentures to the extent of fifteen thousand dollars upon the completion of each mile of said railway. Issue of debentures.

BILL.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

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First Reading                      , 1884.

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(*PRIVATE BILL*)

Mr. WATERS.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.


WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's Reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited  
 5 so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and, whereas, the said Company has represented by its petition that, since the passing of the said Act they *have been* unable to complete said railway; and, whereas, the said company has  
 10 prayed that the said Act may be revived and amended, and the time for the commencement and completion of said railway extended for two years and five years, respectively, from the day of the passing of this Act, and it is expedient to grant the prayer of said petition;  
 15 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed by the Legislature of Ontario in the thirty-eighth year of the Reign of Her Majesty, and chaptered fifty-four, intituled, "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company," and the Act amending the same, passed in the thirty-ninth year of Her Majesty's Reign, and chaptered eighty-two, ~~and~~ and the Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company, passed in the forty-third year of Her Majesty's reign, and chaptered sixty, ~~are~~ are hereby revived and declared to be in full force and effect, ~~except~~ except in so far as the said Acts are amended and changed by this Act, ~~and~~ and the time therein limited for the  
 25 commencement and completion of the *said* railway is hereby extended for the period of two years and five years, respectively, from the passing of this Act.



2. The fifth section of the said Act, passed in the thirty-eighth year of Her Majesty's reign and chaptered fifty-four, is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches." ~~and~~

3. Sections twenty, twenty-one, twenty-two, twenty-three and twenty-six of the said last-mentioned Act are hereby repealed.

Sec. 34,  
amended.



 4. The thirty-fourth section of the said last-mentioned Act is hereby amended by striking out the word "ten" in the seventeenth line thereof, and substituting therefor the word "fifteen."

Aid from mu-  
nicipalities.


 5. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained : Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. 


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

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
 6. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely : (1) The proper petition shall first be presented to the council expressing a desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ; (2) in the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ; (3) in the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid ; (4) in the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 



Provisions for  
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bonus by-laws.



 7. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the coun-



oil to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order. 



 8. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.  Deposit for expenses.

10  9. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of said road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law : Provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.  Rate not exceeding three cents on the dollar valid. Proviso.

20  10. Such by-law shall in each instance provide: (1) for raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ; (2) for assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.  By-law, what to contain.

 11. The term minor municipality shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.  "Minor municipality," meaning of.

40  12. In case the by-law submitted be approved and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.  If by-law carried, council to pass same.

45  13. Within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under the said Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered fifty-four.  Council to issue debentures.



1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

*(Reprinted as amended.)*

First Reading, 21st February, 1884.

*(PRIVATE BILL.)*

Mr. WATERS.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act for the Protection of Persons employed in  
Factories.

WHEREAS special provision should be made for the safety, Preamble.  
health and well-being of operatives employed in and  
about factories and like places within Ontario;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as “The Ontario Factories Act,” Short title.  
1884.”

2. Unless otherwise declared or indicated by the context, Interpreta-  
wherever any of the following words or expressions occur in this tion.  
Act, they shall have the meanings hereinafter expressed, that  
is to say:—

(1) The word “Factory” shall mean:

“Factory.”

- (a) Any building, structure or premises of the description  
mentioned in the schedule to this Act, together with  
such other building, structure or premises as the  
Lieutenant-Governor in Council from time to time  
adds to the said schedule; and the Lieutenant-Gov-  
ernor in Council may, from time to time, by proclama-  
tion published in the *Ontario Gazette*, add to or  
remove from the said schedule such description of  
premises as he deems necessary or proper.
- (b) Any premises, building, structure, room or place  
wherein, or within the precincts of which, steam,  
water, or other mechanical power is used to move or  
work any machinery employed in preparing, manu-  
facturing or finishing, or in any process incidental  
to the preparing, manufacturing or finishing of any  
article, substance, material, fabric or compound, or is  
used to aid the manufacturing process carried on there.
- (c) Any premises, building, structure, room or place,  
wherein the employer of the persons working there  
has the right of access and control, and in which, or  
within the precincts of which, any manual labour is  
exercised by way of trade or for purposes of gain in  
or incidental to the following purposes, or any of  
them, that is to say: the making of any article or part  
of any article; the altering, repairing, ornamenting  
or finishing of any article; or, the adapting for sale  
of any article.

Provided, that where not more than twenty persons are em-

ployed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply. 5

A part of a factory may for the purposes of this Act be taken to be a separate factory: and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act. 10

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly. 15

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. 20

“Inspector.” (2) The word “inspector” shall mean the inspector appointed by the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in the locality in reference to which such expression applies. 25

“Employer.” (3) The word “employer” shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein. 30

“Week.” (4) The word “week” shall mean the period between midnight on Saturday night and midnight on the succeeding Saturday night.

“Child.” (5) The word “child” shall mean a person under the age of fourteen years. 35

“Young girl.” (6) The expression “young girl” shall mean a girl of the age of fourteen years and under the age of eighteen years.

“Woman.” (7) The word “woman” shall mean a woman of eighteen years of age and upwards.

“Parent.” (8) The word “parent” shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. 40

“Court of summary jurisdiction.” (9) The expression “court of summary jurisdiction” shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act. 45

“Mill gearing.” (10) The expression “mill-gearing” comprehends every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. 50

3. If a person is found in a factory except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory. Evidence as to employment.

Provided, that yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this section.

Where a child or young girl is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age.

4. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act, be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire. Child, young girl or woman who does any work in factory to be deemed employed in factory.

5. It shall not be lawful to employ in a factory any child, young girl or woman, so that the health of such child, young girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. Child, young girl or woman not to be employed where permanent injury to health likely.

6. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health of such child, young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say:— When employment of child, young girl or woman shall be deemed not lawful.

(1) A child under twelve years of age shall not be employed in any factory.

(2) Except as hereinafter provided, a child between the ages of twelve and fifteen years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the inspector, either a certificate signed by the parent of such child, in which certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth-place of such child, or, in case there is not in Ontario any one having the legal custody or control of such child, the written opinion of a doctor of medicine that such child is of not less than twelve years of age.



(3) It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday. 5

(4) In every factory the employer shall allow each child and each young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women. 10

(5.) If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the Inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory. 15

7. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power; 20

A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion, for the purpose of propelling any part of the manufacturing machinery;

A child or young girl shall not be allowed to work between 25 the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power;

A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be 30 deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions.

When Inspector may grant exemption from foregoing provisions.

8. The Lieutenant-Governor in Council may make regulations under which it shall be lawful for the Inspector:—

(1) When any accident which prevents the working of any 35 factory, happens to the motive power of any machinery, or when—

(2) From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or when— 40

(3) The customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as provided herein above:—

On due proof to his satisfaction of such accident, occurrence, 45 custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women, young girls and children in such factory, make up for any loss of labour from such accident 50 or occurrence, or meet the requirements of such custom or exigency of trade:

Provided always, in the case of the Inspector permitting



such exemption, that no woman, young girl or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening ; and that the hours of labour for women, young girls and children shall not be  
 5 more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not continue more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished.

- 10 **9.** When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as shall be required by  
 any regulations made in that behalf by the Lieutenant-Governor in Council.

Particulars to be recorded by employer in case of exemption.

- 10.** Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as shall be required by the regulations made in that behalf by  
 20 the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the Inspector requires.

Notice of hours of employment to be affixed in factory.

- 25 **11.** Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

Sanitary condition of factory.

- (2) A factory shall not be so overcrowded while work is  
 30 carried on therein as to be injurious to the health of the persons employed therein.

- (3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein  
 35 that may be injurious to health.

- (4) In every factory there shall be kept provided a sufficient number and description of earth or water-closets, and urinals for the employes of such factory ; such closets and urinals shall at all times be kept clean and well ventilated, and separate  
 40 sets thereof shall be provided for the use of male and female employes, and shall have respectively separate approaches.

- A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently  
 45 injured, and the employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act.

- 12.** In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet,  
 50 water-closet, ash-pit, water supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the Inspector, acting under the regulations made in respect to such subjects, notifies the employer to be proper and necessary ; and

Employer to remedy omission, etc., on notice.

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can be by mechanical means, approved of by the regulations made in that behalf, be prevented or partially prevented, the Inspector may direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them. 5

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act. 10

Inspector may take physician into factory.

**13.** The Inspector may, for the purposes of the two next preceding sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority. 15

Penalty for keeping factory so that safety of persons employed is endangered.

**14.** It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than five hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 20 25

Fencing, etc., of machinery.

**15.** In every factory :

(1) All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges and all other like dangerous structures or places shall be, as far as practicable, securely guarded. 30

(2) No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice.

(3) The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safe guards as the Inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorised by the employer to use the same. 35 40

(4.) All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause. 45

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered. 50

Prevention of fire.

**16.** In every factory :—

(1.) There shall be such means of extinguishing fire as the Inspector, acting under the regulations made in that behalf, directs in writing.

(2.) The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory, and

(3) Every factory three or more stairs in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes; such fire-escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or encumbrance of any kind.

A factory or workshop in which there is a contravention of this section, shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered.

17. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than fifty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding three months.

Parent of child or young girl employed contrary to Act liable to penalty.

18. If any fire occurs in a factory and causes death to any person employed therein, or serious bodily injury, whereby any person employed therein is prevented from working for more than six days next after the occurrence of such fire, the employer shall forthwith after the expiration of said six days send a notice in writing of such fire to the Inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated, and if any such notice is not so sent the employer shall be liable to a fine not exceeding thirty dollars.

Notice where person employed is injured by fire.

19. Where there occurs in a factory any accident, which either causes loss of life to a person employed in the factory, or causes bodily injury to a person so employed, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam or metal, and is of such a nature as to prevent the person so bodily injured from returning to his work in the factory, within forty-eight hours after the occurrence of the accident, written notice of the accident shall forthwith be sent to the Inspector stating the

Notice where person employed is injured by machinery, etc



residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent, the employer shall be liable to a fine not exceeding thirty dollars.

Who to be deemed employer of children, etc., in certain cases.

**20.** Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young girls, or women, be deemed to be the employer. 5 10

Certain provisions not to apply to private house.

**21.** The provisions of this Act which relate 15

(1) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory; or

(2) To children, young girls and women being during any part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room; or 20

(3) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed; or

(4) To the sending notice of accidents shall not apply where persons are employed at home, that is to say, to a private house, room, or place, which though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that system. 25 30 40

Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it, and no change shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in the factory shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by the inspector. 45

Penalty in case of false entry, etc.

**22.** Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration shall, upon conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not 50



exceeding six months or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

- 5   **23.** Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in or any part of a factory.

Act not to apply to person working only at repairs.

**24.** The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act,

Regulations may be made by Lieut.-Gov. in Council.

- 10   **(1)** Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the Inspector, may be deemed necessary.

- (2)** Appoint the Inspector, who shall be paid such salary or compensation as from time to time may be appropriated for  
15 the purpose by the Legislative Assembly.

**25.** The Inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things: namely,

Powers of Inspector.

- 20   **(1)** To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory.

- 25   **(2)** To require the production of any register, certificate, notice or document required by this Act, to be kept, and to inspect, examine and copy the same.

- (3)** To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious  
30 obstruction in the execution of his duty.

**(4)** To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein;

- 35   **(5)** To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such  
40 person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

- (6.)** For the purposes of any investigation, inquiry or examination made by him under the authority of this Act to administer an oath to and to summon any person to give  
45 evidence.

**(7)** To exercise such other powers as may be necessary for carrying this Act into effect.

- The employer and his agents and servants, shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers  
50 under this Act in relation to such factory.

Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl, or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided, always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where the inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding thirty dollars; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding thirty, or where the offence is committed at night, one hundred dollars.

Inspector before entering dwelling without consent of occupier to obtain authority specially granted.

**26.** The Inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from the Lieutenant-Governor in Council, or such warrant as is hereinafter mentioned, from a justice of the peace or police magistrate.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a justice.

A justice of the peace or police magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly.

Inspector to be furnished with certificate and to produce same if demanded.

**27.** Every Inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Commissioner of Public Works for Ontario, and on applying for admission to a factory shall, if required, produce to the employer the said certificate.

Notice to be sent to Inspector by person occupying factory.

**28.** Every person shall, within one month after he begins to occupy a factory, serve on the Inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding thirty dollars.

(2) In every factory the employer shall keep in the form

and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls, and children employed in that factory, and of their employment, and of other matters under this Act; and shall send to the Inspector such extracts from any register kept in pursuance of this Act as the Inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding thirty dollars.

10 **29.** There shall be affixed at the entrance of a factory and in such other parts thereof as the inspector directs, and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed in the factory. Notices to be affixed in factory.

15 (1) Such notices of the provisions of this Act, and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act.

20 (2) A notice of the name and address of the Inspector; and

(3) A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated; and

(4) Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding twenty dollars.

**30.** Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print. Notices, etc., may be written or printed or partly written and partly printed.

(2) Any notice, order, requisition, summons, and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post: and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. Service of Notices.

**31.** If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any Inspector are contravened, and no other penalty is herein provided for such con- Penalty for contravention of Act where no express penalty provided.



travention the employer guilty of such contravention shall on summary conviction thereof incur and pay a fine of not more than fifty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. 5

Power of court in addition to inflicting fine.

32. If a factory is not kept in conformity with this Act, the court of summary jurisdiction, in addition to, or instead of inflicting a fine upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act; the court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding ten dollars for every day that such non-compliance continues. 10 15

Power of employer to exempt himself from fine on conviction of the actual offender.

33. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court of tribunal at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other person shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment. 20 25 30

Inspector to proceed against actual offender.

34. Where it is made to appear to the satisfaction of the Inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. 35

Fine on person committing offence for which employer is liable.

35. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. 40

Restraint on cumulative fines.

36. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishments fixed by this Act for the offence, except— 45

(1) Where the repetition of the offence occurs after an information has been laid for the previous offence; or, 50

(2) Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act.



**37.** All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting justices or police magistrate, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province.

Application of  
fines and  
penalties.

**38.** The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

Limitation of  
time and  
general pro-  
visions as to  
summary pro-  
ceedings.

(1) The information shall be laid within two months, or, where the offence is punishable at discretion, by imprisonment, within three months after the commission of the offence.

(2) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

(4) It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

(5) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

(6) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a Superior Court except for the purpose of the hearing and determination of a special case.

**39.** All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace, in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate ; and save where otherwise provided by this Act the procedure shall be governed by "*The Act respecting summary convictions before Justices of the Peace.*"

Prosecutions  
and procedure

**40.** Such annual or other report of the Inspector, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly.

Report of  
Inspector to be  
laid before  
Legislative  
Assembly.

**41.** This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation : Provided always, that at any time after the passing of this Act any appointment, regulation or order may be made, any notice issued, form prescribed, and act done which appears to the Lieutenant-Governor in Council necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act or any part thereof into operation on the said day.

Commence-  
ment of Act.

## FIRST SCHEDULE.

Augur Factories.	Lithographer's Workshops.
Biscuit Factories.	Last Factories.
Boot and Shoe Factories.	Locomotive Works.
Brush Factories.	Lamp Goods Factories.
Button Factories.	Mattress Factories.
Book-binding Factories.	Marble Works.
Blanket Factories.	Match Factories.
Billiard Table Factories.	Machine Screw Works.
Bolt and Nut Factories.	Mill Furnishing Works.
Barb Wire Factories.	Machine Shops.
Breweries.	Nail Works.
Boiler Factories.	Organ Factories.
Bell Factories.	Paper Box Factories.
Bird Cage Factories.	Paper and Pulp Mills.
Blackening Factories.	Patent Medicine Factories.
Brass Foundries.	Paint Works.
Confectionery Factories.	Picture Frame Works
Clothing Factories.	Piano Factories.
Cotton Factories.	Paper Collar Factories.
Cigar Factories.	Paper Bag Factories.
Cigar Box Factories.	Plated Metal Works.
Car Shops.	Planing Mills.
Cap Factories.	Potteries.
Carriage Goods (iron) Factories.	Reaper Knife Factories.
Chemical Works.	Rivet Works.
Cheese Box Factories.	Rubber Factories.
Child's Carriage Factories.	Rope Works.
Corset Factories.	Rolling Mills.
Clay Pipe Factories.	Stay Factories.
Canning Factories.	Sugar Refineries.
Clock Factories.	Show Case Factories.
Carriage Factories.	Stave Factories.
Carriage Wood-work Factories.	Salt Drying Works.
Coffin Factories.	Silk Factories.
Cork Factories.	Shovel Factories.
Carpet Factories.	Spool Factories.
Distilleries.	Soap Works.
Dye Works.	Skate Works.
Envelope Factories.	Scale Works.
Emery Wheel Factories.	Straw Works.
Edge Tool Factories.	Saw Factories
Electrotype Foundries.	Shirt Factories
Foundries.	Safe Works.
Furniture Factories.	Sewing Machine Works.
File Works.	Saw Mills.
Furriers' Workshops.	Sash and Door Factories.
Flax Mills.	Tobacco Factories.
Glove Factories.	Type Foundries.
Glass Works.	Tanneries.
Horn Comb Factories.	Tub and Pail Works.
Hobby Horse Factories.	Tin Stamping Works.
Hames Factories.	Trunk Factories.
Hammer Factories.	Varnish Works.
Hat Factories.	Vinegar Works.
Iron bridge Works.	Woollen Factories.
Knitting Factories.	Wire Goods Factories.
Knitting Needle Factories.	Wood Screw Factories.
Kaoka Factories.	Whip Factories.
Knitting Machine Factories.	Wall paper Factories.
Sock Factories.	Window Shade Factories.
Laundries.	



1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act for the Protection of Persons employed in Factories.

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First Reading, 22nd February, 1884.

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Mr. FRASER.

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TORONTO:

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## An Act for the Protection of Persons employed in Factories.

**W**HEREAS special provision should be made for the safety, Preamble.  
health and well-being of operatives employed in and  
about factories and like places within Ontario ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. This Act may be cited as “ *The Ontario Factories’ Act*, Short title.  
1884.”

2. Unless otherwise declared or indicated by the context, Interpreta-  
tion.  
wherever any of the following words or expressions occur in this  
Act, they shall have the meanings hereinafter expressed, that  
is to say :—

(1) The word “ Factory ” shall mean :

“ Factory.”

(a) Any building, structure or premises of the description  
mentioned in the schedule to this Act, together with  
such other building, structure or premises as the  
Lieutenant-Governor in Council from time to time  
adds to the said schedule ; and the Lieutenant-Gov-  
ernor in Council may, from time to time, by proclama-  
tion published in the *Ontario Gazette*, add to or  
remove from the said schedule such description of  
premises as he deems necessary or proper.

(b) Any premises, building, structure, room or place  
wherein, or within the precincts of which, steam,  
water, or other mechanical power is used to move or  
work any machinery employed in preparing, manu-  
facturing or finishing, or in any process incidental  
to the preparing, manufacturing or finishing of any  
article, substance, material, fabric or compound, or is  
used to aid the manufacturing process carried on there.

(c) Any premises, building, structure, room or place,  
wherein the employer of the persons working there  
has the right of access and control, and in which, or  
within the precincts of which, any manual labour is  
exercised by way of trade or for purposes of gain in  
or incidental to the following purposes, or any of  
them, that is to say : the making of any article or part  
of any article ; the altering, repairing, ornamenting  
or finishing of any article ; or, the adapting for sale  
of any article.

Provided, that where not more than twenty persons are em-

ployed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply. 5

A part of a factory may for the purposes of this Act be taken to be a separate factory: and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act. 10

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly. 15

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. 20

"Inspector." (2) The word "inspector" shall mean the inspector appointed by the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in the locality in reference to which such expression applies. 25

"Employer." (3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein. 30

"Week." (4.) The word "week" shall mean the period between midnight on *Sunday* night and midnight on the succeeding Saturday night.

"Child." (5) The word "child" shall mean a person under the age of fourteen years. 35

"Young girl." (6) The expression "young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years.

"Woman." (7) The word "woman" shall mean a woman of eighteen years of age and upwards.

"Parent." (8) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. 40

"Court of summary jurisdiction." (9) The expression "court of summary jurisdiction" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act. 45

"Mill gearing." (10) The expression "mill-gearing" comprehends every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. 50

3. If a person is found in a factory except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be  
 5 deemed for the purposes of this Act to have been then employed in the factory. Evidence as to employment.



Provided, that yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory  
 10 within the meaning of this section.

Where a child or young girl is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of  
 15 that age.

4. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling  
 20 any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act,  
 25 be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire. Child, young girl or woman who does any work in factory to be deemed employed in factory.

5. It shall not be lawful to employ in a factory any child, young girl or woman, so that the health of such child, young  
 30 girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine  
 35 of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. Child, young girl or woman not to be employed where permanent injury to health likely.

6. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health  
 40 of such child, young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say :— When employment of child, young girl or woman shall be deemed not lawful.

(1)  No boy under twelve years of age, and no girl under fourteen years of age, shall  be employed in any factory.

45 (2) Except as hereinafter provided, a child between the ages of twelve and *fourteen* years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the inspector, either a certificate signed by the parent of such child, in which  
 50 certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth-place of such child, or, in case there is not in Ontario any one having the legal custody or control of such child, the written opinion of a *registered physician* that such child is of not less than twelve  
 55 years of age.



(3) It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday. 5

(4) In every factory the employer shall allow each child and each young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women. 10

(5.) If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the Inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory. 15

Cleaning machinery while in motion.

7. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power ; 20

A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery ;

A child or young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power ; 25

A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions. 30

When Inspector may grant exemption from foregoing provisions.

8. The Lieutenant-Governor in Council may make regulations under which it shall be lawful for the Inspector :—

(1) When any accident which prevents the working of any factory, happens to the motive power of any machinery, or when— 35

(2) From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked ; or when— 40

(3) The customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as provided herein above :—

On due proof to his satisfaction of such accident, occurrence, custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women, young girls and children in such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade : 45 50

Provided always, in the case of the Inspector permitting



such exemption, that no woman, young girl or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening; and that the hours of labour for women, young girls and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not *comprise* more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished.

9. When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as shall be required by any regulations made in that behalf by the Lieutenant-Governor in Council.

Particulars to be recorded by employer in case of exemption.

10. Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as shall be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the Inspector requires.

Notice of hours of employment to be affixed in factory.

11. Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

Sanitary condition of factory.

(2) A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein.

(3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) In every factory there shall be kept provided a sufficient number and description of *privies*, earth or water-closets, and urinals for the employes of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employes, and shall have respectively separate approaches.

40 A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently injured, and the employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act.

12. In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the Inspector, acting under the regulations made in respect to such subjects, notifies the employer to be proper and necessary; and

Employer to remedy omission, etc., on notice.

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can be by mechanical means, approved of by the regulations made in that behalf, be prevented or partially prevented, the Inspector may direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them. 5

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act. 10

Inspector may take physician &c., into factory.

13. The Inspector may, for the purposes of the two next preceding sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority. 15

Penalty for keeping factory so that safety of persons employed is endangered.

14. It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than five hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 20 25

Fencing, etc., of machinery.

15. In every factory :

(1) All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges and all other like dangerous structures or places shall be, as far as practicable, securely guarded. 30

(2) No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice. 35

(3) The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safe guards as the Inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorised by the employer to use the same. 40

(4.) All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause. 45

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered. 50


Prevention of fire.

16. In every factory :—



(1.) There shall be such means of extinguishing fire as the Inspector, acting under the regulations made in that behalf, directs in writing.

(2.) The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory, and

(3) Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes; such fire-escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or encumbrance of any kind; ~~and~~ Provided, always, that any of the requirements of this sub-section may be dispensed with in any factory if the inspector so directs. 

A factory or workshop in which there is a contravention of this section, shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered.

17. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than fifty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding three months.

Parent of child or young girl employed contrary to Act liable to penalty.

18. If any fire occurs in a factory and causes death to any person employed therein, or serious bodily injury whereby any person employed therein is prevented from working for more than six days next after the occurrence of such fire, the employer shall forthwith after the expiration of said six days send a notice in writing of such fire to the Inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated, and if any such notice is not so sent the employer shall be liable to a fine not exceeding thirty dollars.

Notice where person employed is injured by fire.

19. Where there occurs in a factory any accident, which either causes loss of life to a person employed in the factory, or causes bodily injury to a person so employed, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam or metal, and is of such a nature as to prevent the person so bodily injured from returning to his work in the factory within six days after

Notice where person employed is injured by machinery, etc.

the occurrence of the accident, written notice of the accident shall forthwith be sent to the Inspector stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent, the employer shall be liable to a fine not exceeding thirty 5 dollars.

Who to be deemed employer of children, etc., in certain cases.

20. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person 10 other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, 15 young girls, or women, be deemed to be the employer.

Certain provisions not to apply to private house.

21. The provisions of this Act which relate

(1) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory ; or

(2) To children, young girls and women being during any 20 part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room ; or

(3) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed ; or

(4) To the sending notice of accidents ; 25

shall not apply where persons are employed at home, that is to say, to a private house, room, or place, which though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is 30 used, and in which the only persons employed are members of the same family dwelling there ; or to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that 35 system.

Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said 40 system until the employer changes it, and no change shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in the factory shall be deemed to be employed contrary to the provisions of this Act. A change 45 in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by the inspector.

Penalty in case of false entry, etc.

22. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to 50 be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any



such false entry or declaration shall, upon conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not exceeding six months or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

23. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in or any part of a factory.

Act not to apply to person working only at repairs.

24. The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act,

Regulations may be made by Lieut.-Gov. in Council.

(1) Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the Inspector, as may be deemed necessary.

(2) Appoint the Inspector, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislative Assembly.

25. The Inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things: namely,

Powers of Inspector.

(1) To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory.

(2) To require the production of any register, certificate, notice or document required by this Act, to be kept, and to inspect, examine and copy the same.

(3) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

(4) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein;

(5) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

(6.) For the purposes of any investigation, inquiry or examination made by him under the authority of this Act to administer an oath to and to summon any person to give evidence.

(7) To exercise such other powers as may be necessary for carrying this Act into effect.

The employer and his agents and servants, shall furnish the

means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory.

Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl, or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided, always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself. 15

Where the inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding thirty dollars; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding thirty, or where the offence is committed at night, one hundred dollars. 20

Inspector before entering dwelling without consent of occupier to obtain authority specially granted.

**26.** The Inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from the Lieutenant-Governor in Council, or such warrant as is hereinafter mentioned, from a justice of the peace or police magistrate. 25

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a justice. 30

A justice of the peace or police magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly. 40

Inspector to be furnished with certificate and to produce same if demanded.

**27.** Every Inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Commissioner of Public Works for Ontario, and on applying for admission to a factory shall, if required, produce to the employer the said certificate. 45

Notice to be sent to Inspector by person occupying factory.

**28.** Every person shall, within one month after he begins to occupy a factory, serve on the Inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which 50 55

the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding thirty dollars.

(2) In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls, and children employed in that factory, and of their employment, and of other matters under this Act; and shall send to the Inspector such extracts from any register kept in pursuance of this Act as the Inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding thirty dollars.

29. There shall be affixed at the entrance of a factory and in such other parts thereof as the inspector directs, and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed in the factory—

Notices to be affixed in factory.

(1) Such notices of the provisions of this Act, and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act.

(2) A notice of the name and address of the Inspector; and

(3) A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated; and

(4) Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding twenty dollars.

30. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Notices, etc., may be written or printed or partly written and partly printed.

(2) Any notice, order, requisition, summons, and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer.

Service of Notices.

31. If any of the provisions of this Act, or of any regula-

Penalty for contravention



of Act where  
no express  
penalty pro-  
vided.

tions, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any Inspector are contravened, and no other penalty is herein provided for such contravention the employer guilty of such contravention shall on summary conviction thereof incur and pay a fine of not more than fifty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. 5

Power of court  
in addition to  
inflicting fine.

**32.** If a factory is not kept in conformity with this Act, 10 the court of summary jurisdiction, in addition to, or instead of inflicting a fine, *penalty or other punishment* upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act; the 15 court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding ten dollars for every day that such non-compliance continues. 20

Power of em-  
ployer to ex-  
empt himself  
from fine on  
conviction of  
the actual  
offender.

**33.** Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court or tribunal at the time appointed for hearing the charge; and if after the commission 25 of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other per- 30 son shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment.

Inspector to  
proceed  
against actual  
offender.

**34.** Where it is made to appear to the satisfaction of the Inspector at the time of discovering the offence that the 35 employer had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his orders, then the Inspector shall proceed against the 40 person whom he believes to be the actual offender in the first instance, without first proceeding against the employer.

Fine on person  
committing  
offence for  
which employ-  
er is liable.

**35.** Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, work- 45 man or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer.

Restraint on  
cumulative  
fines.

**36.** A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punish- 50 ments fixed by this Act for the offence, except—

(1) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,



(2) Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act.

37. All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting justices or police magistrate, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province.

Application of  
fines and  
penalties.

38. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

Limitation of  
time and  
general pro-  
visions as to  
summary pro-  
ceedings.

(1) The information shall be laid within two months, or, where the offence is punishable at discretion, by imprisonment, within three months after the commission of the offence.

(2) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

(4) It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

(5) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

(6) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a Superior Court except for the purpose of the hearing and determination of a special case.

39. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate ; and save where otherwise provided by this Act the procedure shall be governed by "*The Act respecting summary convictions before Justices of the Peace.*"

Prosecutions  
and procedure.

40. Such annual or other report of the Inspector, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly.

Report of  
Inspector to be  
laid before  
Legislative  
Assembly.

41. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation : Provided always, that at any time after the passing of this Act any appointment, rule, regulation or order may be made, any notice issued, form prescribed, and act done which appears to the Lieutenant-Governor in Council necessary or proper to be

Commence-  
ment of Act.

made, issued, prescribed, or done for the purpose of bringing this Act or any part thereof into operation on the said day.

## SCHEDULE.

Augur Factories.	Lithographer's Workshops.
Biscuit Factories.	Last Factories.
Boot and Shoe Factories.	Locomotive Works.
Brush Factories.	Lamp Goods Factories.
Button Factories.	Mattress Factories.
Book-binding Factories.	Marble Works.
Blanket Factories.	Match Factories.
Billiard Table Factories.	Machine Screw Works.
Bolt and Nut Factories.	Mill Furnishing Works.
Barb Wire Factories.	Machine Shops.
Breweries.	Nail Works.
Boiler Factories.	Organ Factories.
Bell Factories.	Paper Box Factories.
Bird Cage Factories.	Paper and Pulp Mills.
Blacking Factories.	Patent Medicine Factories.
Brass Foundries.	Paint Works.
Confectionery Factories.	Picture Frame Works.
Clothing Factories.	Piano Factories.
Cotton Factories.	Paper Collar Factories.
Cigar Factories.	Paper Bag Factories.
Cigar Box Factories.	Plated Metal Works.
Car Shops.	Planing Mills.
Cap Factories.	Potteries.
Carriage Goods (iron) Factories.	Reaper Knife Factories.
Chemical Works.	Rivet Works.
Cheese Box Factories.	Rubber Factories.
Child's Carriage Factories.	Rope Works.
Corset Factories.	Rolling Mills.
Clay Pipe Factories.	Stay Factories.
Canning Factories.	Sugar Refineries.
Clock Factories.	Show Case Factories.
Carriage Factories.	Stave Factories.
Carriage Wood-work Factories.	Salt Drying Works.
Coffin Factories.	Silk Factories.
Cork Factories.	Shovel Factories.
Carpet Factories.	Spool Factories.
Distilleries.	Soap Works.
Dye Works.	Skate Works.
Envelope Factories.	Scale Works.
Emery Wheel Factories.	Straw Works.
Edge Tool Factories.	Saw Factories.
Electrotype Foundries.	Shirt Factories.
Foundries.	Safe Works.
Furniture Factories.	Sewing Machine Works.
File Works.	Saw Mills.
Furriers' Workshops.	Sash and Door Factories.
Flax Mills.	Tobacco Factories.
Glove Factories.	Type Foundries.
Glass Works.	Tanneries.
Horn Comb Factories.	Tub and Pail Works.
Hobby Horse Factories.	Tin Stamping Works.
Hames Factories.	Trunk Factories.
Hammer Factories.	Varnish Works.
Hat Factories.	Vinegar Works.
Iron bridge Works.	Woollen Factories.
Knitting Factories.	Wire Goods Factories.
Knitting Needle Factories.	Wood Screw Factories.
Kaoka Factories.	Whip Factories.
Knitting Machine Factories.	Wall paper Factories.
Sock Factories.	Window Shade Factories.
Laundries.	



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act for the Protection of Persons employed in Factories.

*(Reprinted as amended in Committee of the  
whole House.)*

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First Reading,	22nd February,	1884.
Second	"	11th March, 1884.

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MR. FRASER.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend the Act to transfer the securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company (Limited).

WHEREAS by an Act of the Legislature of the Province of Preamble.

Ontario passed in the forty-fourth year of Her Majesty's reign and chaptered forty-nine, it was provided in the fourth section thereof, that John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, Esquires, should be a committee for the purpose of protecting the debenture-holders and depositors therein named with the powers and duties therein set forth; and whereas the said the Omnium Securities Company (Limited) have petitioned for an Act amending the said Act by providing for the retirement of the said committee, and for the appointment of one or more person or persons in their room and stead, and also providing for the retirement, resignation, or death of such last named person or persons, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, the committee named in the said fourth section of the said Act, or the survivor or survivors of them, at any time to retire from and be discharged from their duties as members of the said committee upon giving notice in writing, signed by each of them, addressed to Valancey E. Fuller, Esquire, the solicitor in Canada of the said company, resident in Hamilton, and to Messrs. Fraser, Stoddard & Ballingall, Writers, Edinburgh, Scotland, representing the debenture-holders mentioned in said Act, of their intention so to do.

Retirement of members of committee appointed by 44 V., c. 49, s. 4.

2. After the receipt of the said notice it shall be lawful for the said the Omnium Securities Company (Limited) by instrument in writing under their corporate seal, to nominate and appoint one or more person or persons in the room and stead of the said committee, but such appointment shall not have any force or effect until the consent and approval of the said Fraser, Stoddard & Ballingall, on behalf of the said debenture-holders shall have been given thereto, and such appointment and consent deposited in the office of the Secretary of this Province; and upon such appointment being so made and deposited, the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be deemed to be discharged, and the name or names of the person or persons so appointed shall be substituted in their place, under said Act, with the same powers, duties and authority, and such person or persons and the survivor or

Mode of appointment of new committee.

survivors of them shall form the committee as if he or they had been originally named in said Act.

Provision for appointment, in case no appointment made under preceding section.

3. Should no such appointment as in the second section provided for be made and deposited within three calendar months after the service of the notice to be given under the provisions of the first section of this Act, the said the Omnium Securities Company (Limited) may, within thirty days after the expiry of the period of three months so limited, apply to the Chancery Division of the High Court of Justice of the Province of Ontario, or a Judge thereof, for the appointment of one or more person or persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment shall, with all convenient speed, be deposited in the office of the Secretary of the Province of Ontario, and notice thereof published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of such committee, and the person or persons named in such order shall thenceforth be such committee, in the place and stead and with the like powers, duties and authority as are vested in or imposed on the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore under the said Act.

Application for new appointment by members of committee.

4. Should the said Omnium Securities Company (Limited), within the limit of the said thirty days referred to in the third section of this Act, fail to make application to the said High Court of Justice for the appointment of a person or persons as a committee in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, in that event the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore may apply to the Chancery Division of the High Court of Justice or a judge thereof for a similar order as under the provisions of section three for the appointment of one or more person or persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment shall, with all convenient speed, be deposited in the office of the Provincial Secretary, and notice thereof shall be published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of such committee, and the person or persons named in such order shall thenceforth be said committee in their place and stead, with the like powers, duties and authorities as are vested in or imposed upon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore.

Costs of application.

5. The costs of such last-named application, deposit, and publication shall be borne and paid by the said company.

New committee may be discharged in same manner as existing committee.

6. The committee so appointed, and any future committee, shall have power to retire and be discharged from their duties as a committee by the like proceedings as by this Act provided as to the now existing committee.

7. On the death of all the members of the present or any Appointment  
future committee the provisions of sections two and three on death of all  
hereof shall apply to the appointment of the committee in its members of  
place. committee

5 8. The provisions of this Act shall not apply after the Application of  
objects of said committee have been satisfied. Act.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act to transfer the Securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company.

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First Reading,                      , 1884.

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(*PRIVATE BILL.*)

Mr. GIBSON (*Hamilton*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



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Ontario passed in the forty-fourth year of Her Majesty's reign and chaptered forty-nine, it was provided in the fourth section thereof, that John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, Esquires, should be a committee for the purpose of protecting the debenture-holders and depositors therein named with the powers and duties therein set forth; and whereas the said the Omnium Securities Company (Limited) have petitioned for an Act amending the said Act by providing for the retirement of the said committee, and for the appointment of one or more person or persons in their room and stead, and also providing for the retirement, resignation, or death of such last named person or persons, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, the committee named in the said fourth section of the said Act, or the survivor or survivors of them, at any time to retire from and be discharged from their duties as members of the said committee upon giving notice in writing, signed by each of them, addressed to Valancey E. Fuller, Esquire, the solicitor in Canada of the said company, resident in Hamilton, and to Messrs. Fraser, Stodart & Ballingall, Writers to the Signet, Edinburgh, Scotland representing the debenture-holders mentioned in said Act, of their intention so to do.

*Retirement of members of committee appointed by 44 V., c. 49, s. 4.*

2. After the receipt of the said notice it shall be lawful for the said the Omnium Securities Company (Limited) by instrument in writing under their corporate seal, to nominate and appoint two or more persons in the room and stead of the said committee, and they shall thereupon give notice of such appointment to the said Fraser, Stodart and Ballingall, but such appointment shall not have any force or effect until the consent and approval of the said Fraser, Stodart & Ballingall, shall have been given thereto, and such appointment and consent deposited in the office of the *Provincial Secretary*, and upon such appointment being so made and deposited, the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be deemed to be discharged, and the name or names of the persons so appointed shall be substituted in their place, under said Act,

*Mode of appointment of new committee.*

with the same powers, duties and authority, and such persons and the survivor or survivors of them shall form the committee as if he or they had been originally named in said Act.

Provision for appointment, in case no appointment made under preceding section.

3. Should no such appointment as in the second section provided for be made and deposited within three calendar months 5 after the service of the notice to be given under the provisions of the first section of this Act, the said the Omnium Securities Company (Limited) may, within thirty days after the expiry of the period of three months so limited, apply to the Chancery Division of the High Court of Justice of the Province 10 of Ontario, or a Judge thereof, for the appointment of *two* or more persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment 15 shall, with all convenient speed, be deposited in the office of the *Provincial Secretary*, and notice thereof published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of 20 such committee, and the persons named in such order shall thenceforth be such committee, in the place and stead and with the like powers, duties and authority as are vested in or imposed on the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore under the said Act. 25

Application for new appointment by members of committee.

4. Should the said Omnium Securities Company (Limited), within the limit of the said thirty days referred to in the third section of this Act, fail to make application to the said High Court of Justice for the appointment of *two or more* persons as a committee in the room and stead of the said John F. 30 Wood, George Roach, A. G. Ramsay and Lyman Moore, the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore may apply to the Chancery Division of the High Court of Justice or a judge thereof for a similar order as under the provisions of section three for the appoint- 35 ment of *two* or more persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment shall, with all convenient speed, be 40 deposited in the office of the *Provincial Secretary*, and notice thereof shall be published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of such committee, and the 45 persons named in such order shall thenceforth be said committee in their place and stead, with the like powers, duties and authorities as are vested in or imposed upon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore.

Costs of application.

5. The costs of such last-named application, deposit, and 50 publication shall be borne and paid by the said company.

New committee may be discharged in same manner as existing committee.

6. The *members of the* committee so appointed, and any future committee, shall have power to retire and be discharged from their duties as a committee by the like proceedings as by this Act provided as to the now existing committee. 55

7. On the death of all the members\* of the present or any future committee the provisions of sections two and three hereof shall apply to the appointment of the committee in its place. Appointment on death of all members of committee.

5 8. The provisions of this Act shall not apply after the objects of said committee have been satisfied. Application of Act.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to amend the Act to transfer the Securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company.

*(Reprinted as amended).*

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First Reading, 15th February, 1884.

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(PRIVATE BILL)

Mr. GIBSON (*Hamilton*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act further to amend the Act Incorporating the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

WHEREAS "The Roman Catholic Episcopal Corporation Preamble.  
for the Diocese of Toronto, in Canada," have by their petition set forth that doubts have arisen as to the proper mode in which conveyances should be executed under their Act of  
5 Incorporation, passed in the eighth year of the reign of Her Majesty, Queen Victoria, chapter eighty-two, intituled: "An Act to Incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," and whereas it is desirable to amend the said Act so as to remove the said doubts  
10 and to confirm all conveyances already made by the said corporation in which any other parties should have been added or additional formalities observed; and whereas it is desirable to place the said corporation in the same position as to lands and conveyances thereof as other like corporations in this Province,  
15 and it is expedient to grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the said Act  
20 passed in the eighth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-two, it shall be lawful for the Bishop or Archbishop of the said Diocese of Toronto, in Canada, for the time being, in the name of the said corporation, to make or execute any deed, conveyance, mortgage, demise, release or  
25 assignment of the whole, or any part of the lands, tenements, or hereditaments acquired or held, or to be hereafter acquired by the said corporation under and by virtue of the said Act, with the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman, to be  
30 selected or named by said Bishop or Archbishop for the time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two  
35 clergymen to be selected or named by the said Bishop or Archbishop, all such selections or nominations, and such consent, to appear upon the face of the deed or other instrument in writing intended to be executed by the parties, and to be testified by the said Bishop or Archbishop, and Coadjutor or Senior  
40 Vicar-General, and one additional clergyman, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mort-

Conveyances may be executed by the archbishop or bishop on behalf of the corporation, when consent of two other functionaries obtained.

gages, leases, assignments or other instruments, in the presence of two credible witnesses, as consenting parties thereto respectively.

A declaration on the face of the deed to be evidence of certain facts.

2. A declaration on the face of the deed, mortgage, or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to. 5

Discharges of mortgages how executed.

3. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop or Archbishop of the said Diocese for the time being, and his Coadjutor or Senior Vicar-General, with one additional clergyman, or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor. 10 15

Power to take lands by devise.

4. Notwithstanding anything contained in the said Act passed in the eighth year of the reign of Her Majesty, and chaptered eighty-two, the said corporation shall have power to take or acquire by will or devise any lands, tenements, hereditaments, or any interest therein, provided said will or devise shall have been made and executed at least six months before the death of the person making the same, and shall have been duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect; provided always, that in case the said corporation is disabled from registering any such will or devise within the said time by reason of the contesting of such will or devise, or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will or devise within the space of twelve months next after attainment by said corporation of such will or devise or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section. 20 25 30

Proviso.

This Act to be read with 8 V. c. 82, and 44 V. c. 86.

5. This Act, and the said Act passed in the eighth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-two, and any amending Act, shall be read together and shall, with the amendments hereby made, form one Act so far as the said the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada, is concerned. 35

R. S. O., c. 1, s. 8, sub-s. 24, made applicable.

6. For the purpose of avoiding doubt, it is hereby declared that all the powers described in sub-section twenty-four of section eight of the Interpretation Act of Ontario, in reference to corporations aggregate, shall be possessed by the corporation hereby created. 40

All deeds, &c., heretofore executed by corporation and within the powers of same, if testified by signature of bishop or archbishop and two clergymen

7. All deeds, conveyances, mortgages, demises, releases, assignments, discharges, or other instruments heretofore executed by the said corporation and within the powers of the same, if testified by the signature of the Bishop or Archbishop of the Diocese of Toronto, and by two clergymen of his said Diocese, as consenting parties thereto, shall be valid and effectual to bind the said corporation and others dealing therewith; provided that nothing herein contained shall affect the rights of any parties now in litigation in respect of the necessity of 45 50

additional parties or other formalities being necessary to any shall be held  
document now in dispute. valid.  
Proviso.

8. For the purposes of the said corporation, deeds or con- Form of con-  
veyances in the form and with the recitals as set out in Sche-veyance.  
dule "A" hereunto annexed, or those in similar form or with  
similar recitals, may be used for the objects specified therein or  
intended thereby, or for any similar object.

### SCHEDULE A.

This indenture, made in duplicate the  
day of one thousand eight hundred  
in pursuance of the Act respecting short  
forms of conveyances (*mortgage or lease, as the case may be*),

Between the Roman Catholic Episcopal Corporation for the  
Diocese of Toronto, in Canada,

John Jones, of, etc., of the first part,

The Most Reverend or Right Reverend (*as the case may be*)  
Archbishop or Bishop of the said Diocese, of the second part;  
and the Right Reverend or Very Reverend Coadjutor, Bishop,  
or Vicar-General (*as the case may be*), and the Reverend  
clergyman of said Diocese, or  
(*naming two clergymen if there be neither Coadjutor nor Vicar-  
General, and adding recital to that effect*), of the fourth part.

Whereas the parties hereto of the first part have contracted  
with the party hereto of the second part, for the sale (mort-  
gage, lease, etc.), of the lands hereinafter described; and  
whereas the party hereto of the third part is the present Arch-  
bishop or Bishop of said Diocese, and the parties hereto of the  
fourth part are the proper persons whose consent is necessary  
to this conveyance, under the terms of the statute incorporat-  
ing the parties of the first part; and whereas the parties hereto  
of the fourth part join in this conveyance in order to testify, in  
writing, their consent to the sale (mortgage, etc.), as aforesaid,  
pursuant to said statute:

Now, therefore this indenture, etc., *as in other conveyances*,

*After covenants.*

The parties hereto of the fourth part hereby consent to this  
conveyance, and are made parties herein, and execute the same  
for the purposes hereinbefore set forth.

In witness whereof the parties hereto have hereunto set their  
hands and seals, the seal of the said corporation being affixed  
by the party of the third part.

Signed, sealed and delivered }  
in the presence of two }  
credible witnesses, }  
A. B.  
C. D.

[L.S.C.]  
[L.S.]  
[L.S.]  
[L.S.]

BILL.

An Act further to amend the Act incorporating the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

First Reading, , 1884.

(*PRIVATE BILL.*)

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to enable the Roman Catholic Episcopal Corporation of the Diocese of Toronto to sell certain lands.

WHEREAS by a certain indenture, dated the twenty-sixth Preamble.  
of September, in the year one thousand eight hundred and  
twenty-nine, the Honourable William Dummer Powell, of the  
Town of York, in the Home District and Province of Upper  
5 Canada, Esquire; the Honourable James Baby, of the same  
place, Esquire; and the Honourable and Reverend John  
Strachan, of the same place, Doctor of Divinity, in pursuance  
of powers vested in them under and by virtue of Letters  
Patent from the Crown, as is more particularly set out in said  
10 indenture, did grant, release, convey and confirm unto the  
Trustees of the Roman Catholic Church, in the Township of  
York, all that parcel of land called the School Reserve, in the  
Town of York, in the County of York, in the Home District,  
more correctly designated by a survey made on the ground the  
15 twenty-eighth day of April, one thousand eight hundred and  
twenty-nine, by James Chewett, Deputy-Surveyor, and num-  
bered one, two, eleven and twelve; also parts of numbers  
three and ten, bounded on the north by Richmond Street, on  
the east by New Street, on the south by March Street, and on  
20 the west by an old fence, being the eastern limit of the Royal  
Grammar School enclosure, commencing where a post has been  
planted at the north-east angle of said block called the School  
Reserve; then south sixteen degrees east, one hundred and  
eighty feet, more or less, along the western limit of New  
25 Street; then north seventy-four degrees west, one hundred  
and forty-nine feet, more or less, to the aforesaid fence, being  
the westerly limit of parts of said numbers three and ten;  
then north sixteen degrees west, one hundred and eighty feet,  
more or less, to Richmond Street; then north seventy-four  
30 degrees east, one hundred and forty-nine feet along the northern  
limit of Richmond Street, more or less, to the place of begin-  
ning, containing five-eighths of an acre, more or less, together  
with its appurtenances *to have and to hold* the said parcel or tract  
of land and premises unto the said Trustees of the Roman  
35 Catholic Church, and the Reverend William John O'Grady and  
his successors in trust, for the use of a Roman Catholic Paro-  
chial School forever; and whereas by an Act passed in the  
eighth year of the reign of Her Majesty, Queen Victoria, and  
chaptered eighty-two, intituled "An Act to incorporate the  
40 Roman Catholic Bishops of Toronto and Kingston, in Canada,  
in each Diocese," the Trustees of the Roman Catholic Church in  
the Town of York, then called the City of Toronto, were created a  
body corporate and politic, and in and by the second section of  
the said Act the soil and freehold as well as the fee of all lands,

tenements and hereditaments, then belonging to and used, held, occupied, possessed or enjoyed by the then Roman Catholic Bishop of Toronto, were declared to be vested in him and his successor and successors for uses eleemosynary, ecclesiastical or educational, of the said church ; and whereas subsequent 5 to the passing of said Act, by an indenture dated the fifteenth of May, in the year one thousand eight hundred and forty-six, the then trustees of the property hereinbefore described for greater certainty conveyed, assigned and transferred all their right, title and interest, both at law and equity, in the same, to 10 the said Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada, the present applicants, who are now and have been continuously since the last-mentioned date, in possession as owners as aforesaid of the said property in trust for school purposes as aforesaid ; and whereas it is represented 15 that the applicants have purchased for the sum of twenty-five thousand dollars the premises and buildings formerly occupied by the Brothers of the Christian Schools, containing over an acre of ground, on Duke Street, in the said City of Toronto, and have entered into a binding agreement with the Corporation 20 of the Separate School Board of the City of Toronto, for a sale to the said last-mentioned body for a like sum of twenty-five thousand dollars, of the said Duke Street property ; and whereas the said School Board, so far as they represent the trusts affecting the said property, are willing and hereby consent to a 25 sale of the said Jarvis Street property by the said applicants, the proceeds of such sale to be applied in payment or part payment of the said twenty-five thousand dollars ; and whereas it is inconvenient for the said School Board, without such sale and application of the proceeds thereof, to secure the said Duke 30 Street property, which was specially constructed for the use of schools and has suitable and commodious grounds and buildings, of which the estimated cost is double that of the price for which the applicants have purchased it ; and whereas the property on Jarvis Street is chiefly valuable for the land, 35 and has no buildings especially constructed for the use of schools, nor are they at present sufficiently adapted to the wants of the School Board in that locality ; and whereas it will be for the advantage of the said schools that the said property on Duke Street be secured to them and that permission be given 40 the applicants to sell the property on Jarvis Street as aforesaid ; and whereas it is expedient to grant the prayer of the said petitioners ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 45 as follows :—

Land firstly in the preamble described may be sold.

1. The said Roman Catholic Episcopal Corporation of the Diocese of Toronto, in Canada, are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part of the said lands and premises in 50 said preamble firstly mentioned and described and any part thereof, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent.

Application of proceeds of sale.

2. The said Roman Catholic Episcopal Corporation shall thereupon stand possessed of the moneys or the securi- 55 ties received from such sale or sales as trustees, and shall be charged with the amount so received as against the said sum

of twenty-five thousand dollars, on the execution of a valid conveyance to the said Roman Catholic Separate School Board of the said property on Duke Street.

3. The purchaser or purchasers of the whole or any part of  
 5 the said premises on Richmond Street shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said Roman Catholic Episcopal Corporation shall be a sufficient discharge therefor.

Purchaser of lands not bound to see to application of purchase money.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to enable the Roman Catholic Episcopal Corporation of the Diocese of Toronto to sell certain lands.

First Reading,	; 1884.
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(*PRIVATE BILL.*)

MR. FRASER.

TORONTO.

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to enable the Roman Catholic Episcopal Corporation of the Diocese of Toronto to sell certain lands.

WHEREAS by a certain indenture, dated the twenty-sixth <sup>Preamble.</sup>  
of September, in the year one thousand eight hundred and  
twenty-nine, the Honourable William Dummer Powell, of the  
Town of York, in the Home District and Province of Upper  
5 Canada, Esquire; the Honourable James Baby, of the same  
place, Esquire; and the Honourable and Reverend John  
Strachan, of the same place, Doctor of Divinity, in pursuance  
of powers vested in them under and by virtue of Letters  
Patent from the Crown, as is more particularly set out in said  
10 indenture, did grant, release, convey and confirm unto the  
Trustees of the Roman Catholic Church, in the Township of  
York, all that parcel of land called the School Reserve, in the  
Town of York, in the County of York, in the Home District,  
more correctly designated by a survey made on the ground the  
15 twenty-eighth day of April, one thousand eight hundred and  
twenty-nine, by James Chewett, Deputy-Surveyor, and num-  
bered one, two, eleven and twelve; also parts of numbers  
three and ten, bounded on the north by Richmond Street, on  
the east by New Street, *now Jarvis Street*, on the south by  
20 March Street, and on the west by an old fence, being the east-  
ern limit of the Royal Grammar School enclosure, commencing  
where a post has been planted at the north-east angle of said  
block called the School Reserve; then south sixteen degrees  
east, one hundred and eighty feet, more or less, along the west-  
25 ern limit of New Street, *to the northerly limit of March Street*;  
then *south* seventy-four degrees west, one hundred and  
forty-nine feet, more or less, to the aforesaid fence, being  
the westerly limit of parts of said numbers three and ten;  
then north sixteen degrees west, one hundred and eighty feet,  
30 more or less, to Richmond Street; then north seventy-four  
degrees east, one hundred and forty-nine feet along the northern  
limit of Richmond Street, more or less, to the place of begin-  
ning, containing five-eighths of an acre, more or less, together  
with its appurtenances *to have and to hold* the said parcel or tract  
35 of land and premises unto the said Trustees of the Roman  
Catholic Church, and the Reverend William John O'Grady and  
his successors in trust, for the use of a Roman Catholic Paro-  
chial School forever; and whereas by an Act passed in the  
eighth year of the reign of Her Majesty, Queen Victoria, and  
40 chaptered eighty-two, intituled "An Act to incorporate the  
Roman Catholic Bishops of Toronto and Kingston, in Canada,  
in each Diocese," the Trustees of the Roman Catholic Church in  
the Town of York, then called the City of Toronto, were created a  
body corporate and politic, and in and by the second section of

the said Act the soil and freehold as well as the fee of all lands, tenements and hereditaments, then belonging to and used, held, occupied, possessed or enjoyed by the then Roman Catholic Bishop of Toronto, were declared to be vested in him and his successor and successors for uses eleemosynary, ecclesiastical or educational, of the said church ; and whereas subsequent to the passing of said Act, by an indenture dated the fifteenth of May, in the year one thousand eight hundred and forty-six, the then trustees of the property hereinbefore described for greater certainty conveyed, assigned and transferred all their right, title and interest, both at law and equity, in the same, to the said Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada, the present applicants, who are now and have been continuously since the last-mentioned date, in possession as owners as aforesaid of the said property in trust for school purposes as aforesaid ; and whereas it is represented that the applicants have purchased for the sum of twenty-five thousand dollars the premises and buildings formerly occupied by the Brothers of the Christian Schools, containing over an acre of ground, on Duke Street, in the said City of Toronto, and have entered into a binding agreement with the *Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto*, for a sale to the said last-mentioned body for a like sum of twenty-five thousand dollars, of the said Duke Street property ; and whereas the said School Board, so far as they represent the trusts affecting the said property, are willing and hereby consent to a sale of the said Jarvis Street property by the said applicants, the applicants allowing a credit on the Duke Street purchase equal to the value of the Jarvis Street property ; and whereas it is *necessary and desirable* for the said School Board to secure the said Duke Street property, which was specially constructed for the use of schools and has suitable and commodious grounds and buildings, of which the estimated cost is double that of the price for which the applicants have purchased it ; and whereas the property on Jarvis Street is chiefly valuable for the land, and has no buildings especially constructed for the use of schools, nor are they at present sufficiently adapted to the wants of the School Board in that locality ; and whereas it will be for the advantage of the said schools that the said property on Duke Street be secured to them and that permission be given the applicants to sell the property on Jarvis Street as aforesaid ; and whereas it is expedient to grant the prayer of the said petitioners ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Land firstly in the preamble described may be sold.

1. The said Roman Catholic Episcopal Corporation of the Diocese of Toronto, in Canada, are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part of the said lands and premises in the preamble to this Act firstly mentioned and described and any part thereof, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent.

Purchaser not bound to see to application of proceeds of sale.

2. The purchaser or purchasers of the whole or any part of the said land and premises shall not be bound to see to the application of the purchase money or moneys arising from such

sale or sales, but the receipt under the seal of the said Roman Catholic Episcopal Corporation shall be a sufficient discharge therefor.

3. And the said Corporations having agreed to an arbitration as to the value of the said Jarvis Street property, and also that the said Episcopal Corporation shall accept the said property at the amount so to be determined by said arbitration, such amount shall be regarded as a cash payment now made on the said twenty-five thousand dollars to the said Episcopal Corporation, and the amount thereof deducted from the said purchase money of the Duke Street property; and the said Episcopal Corporation shall thereupon be relieved from the trusts in respect of the said Jarvis Street property; provided that this clause is not to affect in any way or interfere with the powers of sale hereinbefore granted to the said Roman Catholic Episcopal Corporation.

Value of Jarvis Street property to be settled by arbitration, and amount credited as cash payment on Duke Street property.

4. In the event of the sale or valuation of the said Jarvis Street property realizing or being fixed at an amount greater than the sum of twenty-five thousand dollars, the surplus, after payment of that sum out of the proceeds of such sale or valuation, shall be subject to the like trusts to which the said Jarvis Street property, the original fund, was itself subject, namely, for the use of a Roman Catholic Parochial School forever.

Surplus over \$25,000 on sale or valuation of property to be subject to the original trust.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to enable the Roman Catholic Episcopal Corporation of the Diocese of Toronto to sell certain lands.

*(Reprinted as amended).*

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First Reading, 11th February, 1884.

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Mr. FRASER.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to consolidate the debt of the Town of  
Woodstock.

WHEREAS the corporation of the Town of Woodstock, in <sup>Preamble.</sup>  
the County of Oxford, has an outstanding debenture  
debt of ninety thousand dollars or thereabouts, portions  
whereof fall due during the year one thousand eight hundred  
and eighty-four, up to and including the year one thousand  
5 nine hundred; and whereas the said corporation is also  
liable, on certain by-laws of the County of Oxford, numbered  
one hundred and seventy-five, one hundred and seventy-seven,  
one hundred and eighty-three and two hundred and fifty-  
10 nine, the yearly charge for which on the said town in each  
year, up to and including the year one thousand eight hundred  
and ninety-three, is the sum of five thousand and five hundred  
dollars, or thereabouts; and whereas the said corporation of  
the Town of Woodstock has incurred a further debt of ten  
15 thousand dollars, for the payment of which no provision is  
made; and whereas the yearly charge on the ratable property  
of the said town to meet the rate necessary to defray the said  
debt already existing and the debt sought to be created for  
the purpose of raising the said sum of ten thousand dollars, and  
20 also to meet the current annual expenses of the said town, is  
too burdensome on the present ratepayers, and to meet all of  
such expenditure it will be necessary for the said town to bor-  
row in each of the ten next succeeding years, including the  
year one thousand eight hundred and eighty-four, the sum of  
25 seven thousand dollars, to be raised as hereinafter mentioned;  
and whereas the said corporation has prayed that an Act may be  
passed to empower the said corporation in each of the said ten  
years to borrow on new debentures the sum of seven thousand  
dollars to meet a portion of the said debentures so maturing  
30 and for the other purposes above mentioned; and whereas it  
is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

- 35 1. The corporation of the town of Woodstock may, from time  
to time, during each of the ten years, beginning with the year  
one thousand eight hundred and eighty-four, and ending with  
the year one thousand eight hundred and ninety-three, both  
inclusive, pass by-laws, authorizing the issue of new deben-  
40 tures of the said town for an amount not exceeding in any  
one year the sum of seven thousand dollars, payable in  
twenty years from their respective dates, for the purpose  
of retiring or renewing a portion of the debentures now  
outstanding against the said town, and of paying the

whole or any part of the share of the said town of the said county debt falling due within the year within which such county debts shall become payable as aforesaid, the sum to bear interest at the rate of six per centum per annum, payable yearly, and to be in such sums and either in Canadian or 5 sterling currency and payable at such places either in Ontario, Canada or Great Britain as the council of the said corporation may deem best, and it shall not be necessary to obtain the assent of the electors of the said town nor of the Lieutenant-Governor in Council either under "The Consolidated Municipal 10 Act, 1883," or under any other Act now or hereafter to be in force in this Province. And provided further, the said new debentures so to be issued, and all moneys arising from their sale, shall to the full extent thereof be applied to retire and redeem the said outstanding debentures so maturing in the 15 first instance and the said share of the said town of the said county debt, and any surplus shall be placed to the credit of any debentures that may be issued to raise the said sum of ten thousand dollars.

2. It shall and may be lawful for the said corporation with- 20 out the assent of the electors of the said town to the passing thereof, nor of the Lieutenant-Governor as aforesaid, to pass by-laws authorizing the issue of debentures for an amount not exceeding ten thousand dollars, payable twenty years from the date thereof in like form and manner as the first named deben- 25 tures hereby authorized may be issued, for the purpose of paying the said unprovided for debt, and the proceeds thereof shall be applied to the last named purpose only.

3. In settling the sum to be raised annually for the payment of all the said new debenture debt, the rate of interest on the 30 investment of the sinking fund shall not be estimated at more than five per centum per annum, to be capitalized yearly, and, to such extent, the rate of interest on such investments may be so estimated by the said council.

4. The treasurer of the said town, for the time being, shall 35 keep a separate account of the two sets of debentures hereby authorized to be issued, and of the moneys received by him in respect of the rates hereby authorized to be levied in respect thereof, and shall not pay over any portion of the said rates except for the purpose of paying either principal or interest in 40 respect of the debts of, or debentures in respect of, which such rates shall be raised as aforesaid, and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

5. Except as is herein provided, the said by-laws shall be 45 passed, and the debentures thereunder to be issued shall be issued, and the duty of the officers of the said corporation in respect thereto shall be in accordance with the provisions of the said "Consolidated Municipal Act" as now existing.

6. Any by-law or by-laws so to be made shall contain pro- 50 visions for the levying in each year during the currency of the debentures thereby authorized to be issued, of an equal, annual, special rate on all the assessable, real and personal property within the said town, sufficient to pay the yearly interest

payable on such debentures, and to provide a sinking fund sufficient to pay off the principal of the said debentures when they shall fall due; and such rate shall be so levied as therein provided in like manner as other rates.

- 5    7. Nothing in this Act contained shall relieve the said corporation of the town of Woodstock from its liability to the holders of the said now outstanding debentures, or to impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to consolidate the debt of the Town  
of Woodstock.

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First Reading, 14th Feb., 1884.

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(*PRIVATE BILL.*)

THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Acts incorporating Victoria College and Albert College.

WHEREAS it has been represented by the Board of Victoria College, at Cobourg, and the Board and Senate of Albert College, at Belleville, that the Methodist Church of Canada, the Methodist Episcopal Church in Canada, the Primitive Methodist Church in Canada and the Bible Christian Church of Canada, have formed a union under the name of "The Methodist Church," and have applied to the Parliament of Canada for an Act to incorporate the said the Methodist Church, and that among other things it has been agreed by the said four contracting Churches, that the said Colleges shall be placed under the charge and control of the General Conference of the said Methodist Church, and that one University shall be maintained by the said Methodist Church, under the name of "Victoria University," continuing for such purpose all the chartered powers conferred by the various Parliaments of Canada and the Legislature of Ontario upon the said Victoria College, and that the University of said Albert College shall be united to and consolidated with the said Victoria University, and that the present graduates and under-graduates of said Albert College shall have and enjoy the same degrees or status in connection with the said Victoria University as at the time of the passing of this Act they enjoy in connection with the said Albert College, and for other purposes; and whereas the said Colleges have prayed that an Act be passed to carry the same into effect, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of an Act of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered one hundred and thirty-six, and of an Act of this Province passed in the thirty-fourth year of Her Majesty's reign, chaptered ninety-one, as confers upon the said Albert College University powers, is hereby repealed, that is to say: there shall be struck out of section five of chapter one hundred and thirty-six, the words "for degrees or" from the first, and the word "degrees" from the second sub-section thereof, the words "or upon taking any degree" from sub-section three of said section, also the whole of sections two, six, seven, eight, eleven, twelve and fourteen, of said chapter one hundred and thirty-six, and section three of said chapter ninety-one.

29-30 V. c. 136  
and 34 V.  
c. 91,  
amended.

Trustees of  
Albert Col-  
lege.

2. The present Board of Trustees of Albert College, together with the following persons: Robert Richardson, Belleville; W. F. Hall, Napanee; George Webb, Brighton; Thomas Holden, Belleville; Lewis Purdy, Loboro'; S. T. Wilmot, Sidney; and Robert Gordon, Tweed, shall, until the next session of the General Conference of the Methodist Church, constitute the Board of Trustees of the said Albert College. The said General Conference may at any time, and from time to time, appoint additional members to and upon the said Board of Trustees, but so that the whole number of Trustees shall not at any time exceed eighteen. 5 10

20 V. c. 184,  
29-30 V. c. 136  
and 34 V.  
c. 91, to con-  
tinue appli-  
cable to  
Albert Col-  
lege.

3. Save as aforesaid, all the provisions of an Act of the Parliament of the late Province of Canada passed in the twentieth year of Her Majesty's reign, chaptered one hundred and eighty-four, intituled "An Act to incorporate Belleville Seminary," and of the said amending Acts, chaptered one hundred and thirty-six and ninety-one, shall continue to apply to the said College, and the said College shall stand in the same relation to the Methodist Church as it now stands to the Methodist Episcopal Church in Canada, and all the rights, powers and authorities by the said Acts vested in the said Methodist Episcopal Church in Canada, shall be vested in, applied to and exercised by the General Conference of the Methodist Church, and those vested in the Bishop or Bishops of the said Methodist Episcopal Church shall be vested in and exercised by the General Superintendents of the said Methodist Church, and those vested in the Annual Conferences of the said Methodist Episcopal Church shall be vested in the three Annual Conferences of the said Methodist Church which shall be territorially nearest to the City of Belleville. 15 20 25 30

42 V. c. 89 and  
46 V. c. 67,  
repealed.

4. The Acts of this Province passed in the forty-second year of Her Majesty's reign, chaptered eighty-nine, intituled "An Act respecting Victoria College at Cobourg," and in the forty-sixth year of Her Majesty's reign, chaptered sixty-seven, intituled "An Act respecting Victoria College at Cobourg," are hereby repealed. 35

38 V. c. 79,  
amended.

5. The Act of this Province passed in the thirty-eighth year of Her Majesty's reign and chaptered seventy-nine, and intituled "An Act to consolidate and amend the Acts incorporating Victoria College at Cobourg," shall be and the same is hereby amended as follows:— 40

Sec. 1.

(1) The first section of said Act is amended by striking out the words "The said Charter so granted by his late Majesty King William the Fourth and," and the said section shall be construed as if the said words had not been therein inserted and as if the said Act had not purported to repeal said Charter. 45

Sec. 2 repeal-  
ed, and new  
section sub-  
stituted.

(2) Section two is repealed and the following substituted therefor: "2. The College established by Royal Charter and Acts as aforesaid shall be called and known as "Victoria University." 50

Word "Uni-  
versity" sub-  
stituted for  
"College" in  
sec. 3 and  
following  
sections.

(3) The third and following sections are amended by substituting the word "University" for the word "College" wherever the same occurs in the said sections.

(4) All the powers and functions heretofore vested in the General Conference of the Methodist Church of Canada respecting said College shall hereafter be vested in and exercised by the General Conference of the Methodist Church.

Authority of  
General Con-  
ference of  
Methodist  
Church.

5 (5) Section four is hereby amended by striking out the whole of the first six lines thereof, and by substituting therefor the following words:—"4. The said Victoria University shall be under the management and administration of a Body Corporate, to be called 'The Board of Regents of Victoria University,' which shall consist of the General Superintendents of the Methodist Church, the Chancellor and Vice-Chancellor of the University, twenty-four members (twelve ministers and twelve laymen) appointed by the General Conference of the Methodist Church, and seven additional members elected by the graduates of the said University, under such regulations as may from time to time be made by said Board, which Board shall have perpetual succession and a common seal with power to acquire by purchase, gift, devise, bequest or otherwise, and to hold real and personal property."

Sec. 4  
amended.

20 (6) Section nine of said Act is hereby repealed.

Sec. 9 re-  
pealed.

(7) Section thirteen is hereby amended so as to read as follows:—"13. The said General Conference shall every four years, in Conference assembled, appoint the twenty-four members of the Board, who by the provisions of section four of said Act as hereby amended, require to be appointed by said General Conference."

Sec. 13  
amended.

Appointment  
of Board.

(8) Section fourteen is hereby repealed and the following substituted therefor:—"14. A General Superintendent shall preside as chairman over all meetings of the Board, and shall affix the College seal and sign all such deeds, papers and instruments in writing, for and on behalf of such body corporate as may be necessary. In the absence of a General Superintendent the Board shall elect one of their number to preside and perform such other duties as may be necessary."

Sec. 14 re-  
pealed.

Chairman at  
meetings of  
Board.

35 (9) Section sixteen is hereby amended to read as follows:—"16. The members of the Board and the professors of the various faculties of said University appointed by the Board, together with eight graduates elected by the graduates of said University, under such regulations as may from time to time be made by said Board, and such representatives of affiliated colleges or institutions as may be admitted under such regulations as may from time to time be made by said Board, shall constitute the Senate of said University, and shall have power and authority to confer the degrees of Bachelor, Master and Doctor in the several Arts, Sciences, and Faculties, and to determine the courses of study and qualifications for degrees, and all matters strictly pertaining to the work of education, and to settle, subject to ratification by the Board of Regents, the terms upon which chartered Colleges and Schools may become affiliated to the University, and shall have the management and supervision of such other affairs of the University as shall from time to time be assigned them by the Board of the University."

Section 16  
amended.

(10) Section seventeen is hereby amended so as to read as follows:—"17. The President of the University shall be Chancellor of the University. A Vice-Chancellor of the University shall be elected by the graduates thereof every two years, under

Sec. 17  
amended.



such regulations as may from time to time be made by the Board of Regents. The Chancellor shall call all meetings of the Senate, and shall preside thereat. In his absence the Vice-Chancellor shall preside, and, in the absence of both Chancellor and Vice-Chancellor, a chairman shall be chosen by the members present." 5

6. The Rev. Samuel D. Rice, D.D., Rev. Albert Carman, D.D., Rev. S. S. Nelles, D.D., LL.D., Hon. James Ferrier, Senator, W. W. Dean, B.A., Wm. Kerr, M.A., Q.C., John Macdonald, Esq., B. M. Britton, M.A., Q.C., M. Lavell, M.D., W. Beatty, M.A., LL.B., J. J. MacLaren, M.A., LL.B., Q.C., W. E. Sanford, Esq., Dennis Moore, Esq., William Gooderham, Esq., Geo. A. Cox, Esq., Rev. Richard Jones, Rev. Enoch Wood, D.D., Rev. Samuel Rose, D.D., Rev. Geo. R. Sanderson, D.D., Rev. E. B. Ryckman, D.D., Rev. W. S. Griffin, Rev. E. H. Dewart, D.D., Rev. A. Sutherland, D.D., Rev. John Potts, D.D., Rev. N. Burwash, S.T.D., Rev. James Gray, Rev. James Allen, M.A., Hon. John E. Rose, S. F. Lazier, M.A., LL.B., Uzziel Ogden, M.D., Rev. H. Johnston, M.A., B.D., W. H. McClive, M.A., LL.B., Thomas Nichol, M.D., LL.D., A. L. Morden, Esq., S. B. Burdett, LL.D., Rev. Samuel G. Stone, D.D., Rev. J. B. Aylesworth, D.D., LL.D., Rev. B. F. Austin, M.A., B.D., Rev. J. C. Antliff, M.A., B.D., John Kent, Esq., Rev. J. J. Rice, and Thomas Gilbard, Esq., shall be the Board of Regents of the said University until their successors or the additional members thereof are chosen, in accordance with the provisions of the said Act of this Province, passed in the thirty-eighth year of Her Majesty's reign, and chaptered seventy-nine. All members of the Board shall be eligible for re-election or re- 30

Degrees and status in Victoria University of graduates and under-graduates of Albert College.

7. All the present graduates and under-graduates of said Albert College shall, from and after the time of the coming into force of this Act, have and enjoy the same rights, degrees, honours and status in connection with Victoria University as at the time of the coming into force of the said Act they enjoyed in connection with said Albert College. 35

Albert College affiliated to Victoria University.

8. The said Albert College is hereby affiliated to the said Victoria University, and shall be entitled in respect of such affiliation, to two representatives upon the Senate of the said University. 40

Commencement of Act.

9. This Act shall come into force on the first day of July next, provided an Act shall have been passed by the Parliament of Canada, ratifying the union of said four Churches.





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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to Amend the Acts incorporating  
Victoria College and Albert College.

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First Reading, 14th February, 1884.

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(*PRIVATE BILL.*)

Mr. FERRIS.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to empower and authorize the City of Toronto to institute an issue of Corporation Stock for Drainage Works.

WHEREAS the Council of the Corporation of the City of Preamble.

Toronto have by their petition represented that on sanitary grounds it is necessary for them to adopt and construct a thorough system of sewerage and drainage, comprising main and off-take sewers and other works which will be for the benefit of the whole city, permanent in their nature, and the costs of which should be borne by the city at large, and that it is desirable to establish a fund and to institute an issue of corporation stock not exceeding one million five hundred thousand dollars, the proceeds of the sale of which is to be restricted to and used for no other purpose except the construction of said main and off-take sewers and the works connected therewith, when the costs of such works can not properly be met by local or special assessments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A fund is hereby established for the City of Toronto to be known as the "City of Toronto Drainage Fund," which shall consist of stock or shares of one hundred dollars or twenty pounds sterling each, which the corporation of the said city may, pursuant to by-laws to be passed for that purpose (which by-laws the said Council is hereby authorized to pass) dispose of from time to time as opportunity offers, and occasion requires, to an amount not exceeding one million five hundred thousand dollars, which shall be applied towards the adoption, construction and completion of a system of drainage consisting of main and off-take sewers and the other necessary works connected therewith required for sanitary and drainage purposes and for preventing the sewage matter collected by the local sewers and drains running into Toronto Bay. City of Toronto drainage fund established.

2. The said shares or stock shall be known as "The Toronto Drainage Stock" and shall be irredeemable, and upon all shares or stock forming the said "City of Toronto Drainage Fund," there shall be paid by the Treasurer of the said city to each of the subscribers to the said fund interest at a rate not to exceed five per centum per annum, the said interest to be payable semi-annually on the first day of April and the first day of October every year. Stock forming said fund to be irredeemable.

Certificate to be given to purchasers of stock.

3. Every person who shall subscribe for or purchase one or more shares in the said fund, shall receive from the Treasurer of the said city a certificate to that effect, to be signed by the Mayor of the said city and sealed with the seal of the said city and countersigned by the City Clerk, who shall keep a register of all stock issued, which said certificate may be according to Schedule "A" hereunto annexed. 5

Negotiation of stock and payment of interest.

4. It shall be lawful for the said corporation to negotiate the said stock either in this Province or elsewhere, and to pay the interest on the same either in sterling money or in the current money of Canada in this Province or elsewhere. 10

Separate accounts of fund to be kept.

5. For the purpose of carrying out the provisions in the preceeding sections contained the Treasurer of the said corporation shall keep all accounts, dealings and transactions relating to the said "City of Toronto Drainage Fund" apart and distinct from all other corporation funds and accounts; and no part of the said fund or of the interest or other accumulations thereof shall be applied to or used for any other purpose except said sewerage and drainage works, and in all future returns of the debt of the city the same shall report severally the amount covered by the "General Consolidated Debt," and by the "City of Toronto Drainage Fund Debt" hereby created. 15 20

Stock and other books of account to be kept.

6. The said corporation shall open and keep amongst others the following register and special books of accounts in connection with said fund: A Stock Ledger, in which shall be entered 25

(1) The total amount of stock issuable under the provisions of the by-laws authorizing the same.

(2) The rate of interest authorized to be paid on the same. 30

(3) The name or names of the original party or parties subscribing for and taking up the same.

(4) The transfers which may be made of the same from time to time from one holder to another.

*A Transfer Register* to be signed as well by the transferror as by the transferee, and from which the change of ownership shall be posted to the stock ledger, and any transfer shall only be considered *ad interim* and shall in no case be posted in the stock ledger until duly signed by both parties thereto. 35

*An Interest Ledger* in which shall be set forth semi-annually an exact statement of the then holders of the said stock and opposite to the name of each holder the amount of the semi-annual interest to which he is entitled, and cheques shall be prepared and made payable to the order of the parties so set forth as owners who shall, on receiving the same, duly sign an acknowledgement for the same as a full acquittance of the liability of the corporation for such semi-annual interest. 40 45

Appointment of agent in Great Britain authorized.

7. The said corporation may by by-law appoint an agent in Great Britain, if necessary, to act as the deputy of the Treasurer of said corporation with respect to the registrations and transfers of stock under this Act and the payment of interest thereon. 50



8. The taxing power of the Council of the city of Toronto is hereby limited, and it shall not assess and levy in any one year more than an aggregate rating of one cent and a half in the dollar on the actual value of the whole ratable property within its jurisdiction, exclusive of school rates, railway rates, waterworks' rates and other rates specially authorized. Limitation as to taxing power.

9. The Act passed by the Legislative Assembly of the Province of Ontario, in the forty-second year of Her Majesty's reign, chaptered seventy-five, entitled "An Act respecting the debenture debt and certain property of the city of Toronto," is hereby amended by striking out the word "eight," occurring in the ninth line of the sixteenth section, and substituting therefor the word "four" so as to provide that any future expansion of the general city debenture debt, beyond the six millions of dollars authorized by the said Act, shall be limited to *four* per centum instead of eight per centum of the excess of ratable or assessable property over the sum of fifty millions of dollars, as shewn by the last revised assessment rolls of the said city in any year. 42 V. c. 75, s. 16, amended.

#### SCHEDULE A.

##### CITY OF TORONTO DRAINAGE FUND. PERMANENT STOCK.

CITY HALL, TORONTO, 18 .

Stock Certificate No.

issued under by-law No.

passed  
18 .

This is to certify that  
of , at the date hereof, is the registered owner, in the books of the corporation of the City of Toronto, of shares of one hundred dollars (or twenty pounds sterling) each, in all amounting to of the Toronto Drainage Stock, established under the authority of the Act of the Legislature of Ontario, passed on the day of 18 , V. , c. , intituled "An Act to empower and authorize the City of Toronto to institute an issue of Corporation Stock for Drainage Works," upon the amount of the shares in the said stock, standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Toronto as aforesaid, the city of Toronto will pay interest semi-annually at the rate of per centum per annum, on the first days of April and October in each year.

Sealed with the seal of the corporation of the said City of Toronto, signed by the Mayor and Treasurer, and enregistered in the books of the said corporation by the Treasurer of the said city and countersigned by the City Clerk.

[L.S.]

Mayor.

City Clerk.

Registered Book.

City Treasurer.

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1st Session, 5th Legislature, 47 Vic. 1884.

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BILL.

An Act to empower and authorize the City of Toronto to institute an issue of Corporation Stock for Drainage Works.

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First Reading                      , 1884.

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(*PRIVATE BILL.*)

Mr. MORRIS,

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to Incorporate the Annual Conference of the Free Methodist Church in Canada, and for other purposes.

**W**HEREAS the Annual Conference of the Free Methodist Church in Canada have, by their petition, represented that they are desirous to become incorporated in the Province of Ontario, and that they are desirous of having provided a short form of conveyance by which the Trustees of the several congregations of the said Church, in the Province of Ontario, may have conveyed to them lands for the uses of the said Church, to have the same effect, and to be construed as if it contained the form of words which set out the trusts contained in the Model Deed, being the first and second schedules to this Act, and that the Trustees of the several congregations of said Church, in the Province of Ontario, by whatever name they may hold, should be enabled to alter and extend the trusts and provisions contained in and by the several deeds under which the said Trustees hold, so that the lands conveyed by such deeds may be placed under the like trusts and provisions as are set out and contained in such Model Deed; and that the said Trustees of each of the congregations of said Church now holding, or to hold under, said deed, should from time to time be enabled to add to their number or declare vacancies occasioned by resignation, removal to a distance, or other disability; And it is expedient to grant the prayer of the said petition; .  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The General Conference of the Free Methodist Church in Canada shall be and is hereby declared to be a body politic and corporate, by the name and style of the "Free Methodist General Conference in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which it may alter and change at pleasure.

2. It shall be lawful for the regular members of said General Conference, at its regular constitutional meetings to appoint such officers and to make and ordain such by-laws and regulations, in relation to the management and disposition of their real and personal estate, the duties of their officers and the management of the corporate offices, as they shall think proper, provided they are not inconsistent with the general laws of the Province of Ontario and Dominion of Canada.

3. The said Corporation shall have power to hold in trust church property and deeds of other beneficent, educational or

Preamble.

General Conference incorporated.

Power to appoint officers and make by-laws, etc.

Power to hold land, etc.

publishing institutions, and of taking, holding and receiving any property, real, personal or mixed, by virtue of any devise, bequest, grant or purchase, subject to the restrictions and limitations of existing laws; provided the annual income of such property shall not exceed the sum of one hundred thousand 5 dollars, and that the same shall be appropriated to religious, charitable, missionary or educational purposes. and to sell, deed and convey any real or personal property, when necessary to serve the purposes of the Corporation.

Registration  
of declarations  
of trust.

4. From and after the passing of this Act the trustees of the 10 several congregations in Ontario of the Free Methodist Church in Canada, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the said Model Deed provided by this Act, may register, in the 15 registry office of the county where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees, in the form or to the effect of that set out in the third schedule to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the 20 name set out in said declaration, under and upon the like trusts, and for the purposes and under the directions and provisions of the Model Deed aforesaid, and set out in the first and second schedules hereto annexed, for such and the same ends, uses, intents and purposes, and with, under and subject to such and 25 the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and re- 30 spect as are expressed, contained and declared, or referred to in the said Model Deed, provided by this Act, and set out in the first and second schedules hereto annexed; saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the 35 registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

Application of  
short forms in  
second  
schedule.

5. When a deed of real property in Ontario, made according to the forms set forth in the first schedule to this Act, or any other such deed expressed to be made in pursuance of this Act, 40 or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, 45 and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number.

Effect of deeds  
which are in  
operation  
under this  
Act.

6. Any deed or part of a deed which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the 50 parties thereto, so far as the rules of law and equity will permit, as if this Act had not been passed.

What proper-  
ty shall pass  
by deed here-  
under.

7. Every such deed, unless an exception be specially made therein, shall be held and construed to include all houses, out- 55 houses, edifices, barns, stables, yards, gardens, orchards, com-



mons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to the land therein comprised, be-  
 5 longing, or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the  
 10 same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever, both at law and in equity, of the grantor in, to, out of, or upon the same lands, and every part and parcel thereof, with their and every  
 15 of their appurtenances.

8. In the construction of this Act and the schedules thereto, <sup>Interpreta-</sup> unless there be something in the subject or context repugnant <sup>tion.</sup> to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or  
 20 incorporeal, or any undivided part or share therein, respectively; and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

9. The schedules and the directions and forms therein con- <sup>Schedules to</sup> tained shall be deemed parts of this Act. <sup>form part of</sup> <sup>Act.</sup>

## SCHEDULES TO WHICH THIS ACT REFERS.

### THE FIRST SCHEDULE.

This indenture, made in (duplicate) the \_\_\_\_\_ day of \_\_\_\_\_  
 one thousand eight hundred and \_\_\_\_\_, in  
 pursuance of the Act passed in the forty-seventh year of the  
 reign of Her Majesty, Queen Victoria, and chaptered \_\_\_\_\_  
 and in pursuance of the Act respecting short forms of con-  
 veyances; between (*here insert the names, places of residence,*  
*and description of the grantors, parties barring dower or other*  
*estates and recitals, if any, describing the grantees, in addition*  
*to their usual additions, as the Trustees of the \_\_\_\_\_ congregation*  
*of the Free Methodist Church of Canada*), witnesseth that in con-  
 sideration of the sum of \_\_\_\_\_ dollars of lawful money of Canada  
 now paid by the said Trustees to the said part of the  
 part (the receipt whereof is hereby acknowledged) the said  
 part \_\_\_\_\_ of the \_\_\_\_\_ part \_\_\_\_\_ do \_\_\_\_\_ grant and assign  
 unto the said trustees and their successors in the said trusts,  
 all etc., (parcels) to have and to hold the said parcel or tract of  
 land and premises unto and to the use of the said trustees and  
 their successors in the said trusts forever, upon the following  
 trusts (*here set out the trusts, provisoes, covenants and other*  
*provisions*).

In witness whereof the said parties hereto have hereunto set  
 their hands and seals.

## THE SECOND SCHEDULE.

*Directions as to the forms in this schedule, in cases of sale and conveyance of real property.*

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine, or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

## COLUMN ONE.

1. Upon trust to build a church and other buildings.

2. To permit building to be used as a church by the Free Methodist.

## COLUMN TWO.

1. Upon trust that they the said parties hereto of the third part, and their successors, or the trustees or trustee for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, vestry room or vestry rooms, school room or school rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall from time to time deem necessary or expedient.

2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Free Methodist Church in Canada as aforesaid, and for public and other meetings and services held according to the rules and discipline and general usages of the said church, and do and shall from time to time and at all times hereafter permit and suffer such person or persons as are hereinafter mentioned or designated, and such person and persons only, to preach and expound God's holy Word, and to perform the usual acts of religious

worship therein, and burial services in the burial ground thereto belonging; that is to say, such person and persons as shall be from time to time approved and for that purpose duly appointed by the annual Conference of the said Free Methodist Church; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed (according to the rules and discipline of the said Free Methodist Church) by the chairman for the time being of the district, or the minister in charge of the circuit or station in which the said church or place of religious worship, shall for the time being be situated; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Conference to fill up any vacancy or vacancies at any time occasioned by the death, removal, or suspension of a minister or ministers in or during any interval between the sittings of the said Conference, but only until the next Conference, and in no case any other person or persons whomsoever.

3. To permit dwelling house on said premises to be used by the minister in charge.

3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Free Methodist Church in Canada to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the Conference of the said Free Methodist Church in Canada, according to the rules and discipline thereof, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the said Methodist Church; and that the officiating minister for the time being, whether appointed by the said Conference or permitted or appointed by the said chairman or minister



in charge for the time being, or otherwise permitted or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and discipline and general usage of the said Methodist Church; provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's holy Word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part or parts thereof, who shall maintain, promulgate, or teach any doctrine or practice contrary to the well-understood doctrines and standards of Christianity as recognized and maintained by the Free Methodist Church.

4. To permit Sunday schools to be carried on in said church.

4. And, upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid or, if there shall be no separate school room or school rooms, and it shall, by the trustees for the time being of these presents, or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools to be held, conducted, and carried on from time to time in the said school room or school rooms; or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein; and, in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said Conference have directed or appointed, or shall hereafter from time to time direct or appoint; and, also, subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove build-

5. Provided always, that it shall be lawful for the trustees, for the time being



ings and tore-build.

of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building or rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences and appurtenances, or enlarging or altering the same, respectively, or all, or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage, provided mortgage covers debt.

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage, and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whomsoever, for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; nevertheless, it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents, unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect or on account of or in relation to, the said trust premises, or from the said trustees for the time being, or any of them, for or on account or in respect of the said

trust premises, or some part or parts thereof, respectively, excepting only such debt and debts as may then be accruing due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which shall be made or be proposed to be made, under or by virtue of these presents, or whether the same is or are made or intended to be made for the whole amount of the debt, or of the aggregate amount of the debts which shall be so due and owing as aforesaid, nor shall anything in these presents contained or which may be contained in any such mortgage or mortgages extend, or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed, to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them, respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her or their heirs, executors, administrators and assigns, shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let dwelling houses, and to sell graves and tombs.

7. And upon further trust from time to time, and at all times hereafter, if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them, [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated] at a reasonable rent or reasonable

rents ; and also, if there shall be a cemetery or burial-ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from the said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Methodist Church for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient; Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such ministers or minister on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the chairman of the district, and the Official Board of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

8. Trustees to hold moneys arising therefrom upon trust ; to pay taxes, insurance, and for repairs ; also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid) upon trust, thereout to pay in the first place, such duties, taxes, rates and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises, or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition ; and



likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts thereof by virtue of these presents, and then to retain to and reimburse themselves, respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them; and in the next place, thereout to pay and discharge the necessary costs, charges and expenses from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges, incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid.

9. To pay over surplus to the official Board to be applied towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.

9. And upon further trust, from time to time to pay over to the official Board any surplus money remaining after due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid, which Board shall apply the same (but according and in conformity to the rules and discipline of the said Methodist Church) for or toward the support of the minister or ministers for the time being, respectively, appointed by the said Conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship appropriated to the use of the said Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned; or in subscribing or giving to any of the general funds, objects, or charities of the said Methodist Church; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the members of the Official Board for the time being, or the major



part of them, shall from time to time think necessary or expedient.

10. To appoint and remove treasurers.

10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them, at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion to appoint any person or persons of decent and sober conduct and good reputation to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers or any of them.

11. To keep books of account and submit same for audit

11. And it is hereby declared that the trustees or trustee, for the time being, of these presents, shall themselves, or by their treasurer or treasurers, keep a book or books of accounts, in which from time to time shall be plainly, legibly and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of accounts; and shall also in like manner keep a book or books of minutes, in which from time to time shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business, had taken and done thereat, and also of all documents, articles, matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents; and shall and will from time to time, and at all seasonable times hereafter, upon the request of the chairman for the time being of the district in which the said church or place of religious worship shall, for the time being, be situated, produce and show forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and

permit and suffer copies or abstracts of, or abstracts from, them or any of them to be made and taken by the said chairman or any person or persons whom he shall from time to time desire to make and take the same; and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in anywise to the said trust premises, shall, at least once in the year and oftener if the said chairman shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly upon a day to be appointed by the said chairman for the time being, or with his concurrence, examined and audited by the chairman and the Official Board of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose; and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said chairman for the time being by the said Official Board, the said trustee, or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, and every member of the said Official Board, and either personally served upon him and them respectively, or left for or sent by the post to him and them, at his and their most usual place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said chairman for the time being, as aforesaid, to appoint in writing a deputy or deputies to act therein for him and the said Official Board as aforesaid; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matters and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is here-

12. And it is hereby declared that every

by declared that fourteen days' notice of a special meeting, and convenient notice of other meetings of trustees shall be given.

meeting for the purpose of taking into consideration the propriety of making any alteration of, or any addition to, or mortgage or sale of the said church or place of religious worship and premises thereof, of any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms, as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves and tombs as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the trustees for the time being of these presents, or by the minister in charge for the time being, shall be given to the other and others of them, and him, the said trustees, and minister in charge (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and, for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required, as hereinbefore is mentioned), a meeting of the trustees, for the time being, of these presents, may be held with the said minister in charge for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said minister in charge for the time being, and either personally served upon or left for, or sent

by the post as aforesaid, to the other and others of them respectively, at his and their most usual place or places of abode or business: Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents, who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by, the person or persons who is or are, respectively, as aforesaid, authorized to give any such notices or notice as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given, and in case the votes shall be equally divided then the chairman of such meeting shall give the casting vote, and which casting vote he shall have in addition to the vote which he shall be entitled to in his character of trustee, minister in charge, or otherwise; and it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized, or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them; and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the



same time or on the same question, although holding more than one office at the same time in the said Methodist Church, or in the same meeting.

14. That the rules, discipline, doctrines and usages of the Church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "Doctrines and Discipline of the said Free Methodist Church," in these presents mentioned or referred to, are the Doctrines and Discipline of the said Church, as printed and published by authority of the said Conference in a book entitled, "The Doctrines and Discipline of the Free Methodist Church," and the general usage and practice of the societies belonging to said church, and such rules and regulations as may from time to time be made or adopted by the said Conference, and printed and published in their annual minutes in accordance with the provisions contained in the said book of discipline for altering or amending the same, but subject at all times to the proviso respecting doctrines in these presents contained ;

15. That minister in charge shall be chairman of meetings of trustees, but in case of absence trustees may appoint chairman.

15. Provided always, and it is hereby declared that, excepting where the contrary is in these presents expressly declared or provided for, the minister in charge for the time being of the circuit or station in which the said church or place of religious worship shall for the time being be situated, shall be the chairman of, and shall preside at, and shall have a vote as such minister in charge in all meetings held under or by virtue of these presents ; but in case the said minister in charge for the time being shall at any time neglect to attend at any such meeting as aforesaid, or if the minister in charge shall attend but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said minister in charge shall not attend any such meeting, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held, upon any such neglect or refusal of the said minister in charge, shall be as valid and effectual as if the said minister had been the chairman thereof and had presided thereat ;

16. Proviso for

16. Provided always, and it is hereby

sale of land with  
consent of Confer-  
ence.

declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the said Conference, such consent to be testified in writing under the hand of the president for the time being of the said Conference, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of such part or parts of the same respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her, or their heirs and assigns or as he, she or they shall direct or appoint; and the hereditaments and premises so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed and absolutely discharged from these presents and from the trusts hereby declared, and every of them; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities, and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof or of any of them, and subject thereto either for or toward promoting the preaching of the Gospel in the said Methodist Church in the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises, so sold or disposed of, to be settled upon the same trusts, and to and for the same ends, intents and purposes, and with, under and subject to the same

powers, provisoes and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents, and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said Conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them; and all the money arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed with respect to any sale made in pursu-



ance or in consequence of such consent of or by the said Conference as aforesaid ; but it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the trustees for the time being as aforesaid, or a majority of them, shall give notice in writing to the said Conference or to the president for the time being of the said Conference, on or before the first day of the then next annual meeting of the said Conference, of their intention to make such sale, and the reasons for the same, nor unless the said Conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the trustees for the time being of these presents shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid ; and in all cases except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.



19. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to enquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were duly authorized to sign and give receipts as aforesaid; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents, shall not, nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands, nor for injury done by others to the said trust premises or to any part or parts thereof.

21. That the number of trustees shall not be less than three nor more than twenty-one, and that vacancies are to be filled and number increased

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full number of the trustees of the said trust shall not be less than three or more than twenty-one, the first of whom shall be elected by a society meeting called for that purpose and shall be members

by nomination and appointment.

in full connection, of the age of not under twenty-one years, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, *resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Methodist Church, according to the rules and discipline of the said Church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said Church, or removing as aforesaid, shall thereupon become vacant, subject, however, to the provisos next herein-after set out, and shall be filled with a successor or successors being a member or members of the said Church, of the full age of twenty-one years, to be nominated and appointed by the Official Board of the circuit or station ; Provided always, that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the Official Board consent to the resignation of more than one trustee by any one vote ; Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said Church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the members of the said Official Board, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid ; Provided, that no prior vacancy remain then unfilled, and provided, that not more than one vacancy shall be declared by any one vote ; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees, shall be nominated and appointed as in next hereinbefore provided for the filling of vacancies ; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, or should the said Official Board omit to fill any such vacancy or vacancies as aforesaid, then, and in every such case, it shall and may be lawful for the quarterly*

Conference of the district in which the property is situate to appoint the requisite number of the trustees of the said trust, and to fill any such vacancy or vacancies by the vote of the majority of the members of the said Conference then present, and in case of an equal division of their votes the chairman of the said Conference shall have the casting vote in such appointment, and the person or persons so appointed trustee or trustees shall be the legal successor or successors, *co-trustee or co-trustees* of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, *estates and interests* as are given to the above-named trustees in and by these presents.

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, *resigning, removing*, or ceasing to be a member or members of the said Methodist Church as aforesaid, *and whose place has become vacant, as aforesaid*, shall make request for that purpose in writing to the Official Board, they, the said surviving trustees, shall and will within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, *resigning, or removing*, or ceasing to be a member or members of the said Methodist Church or trust as aforesaid, and every of them, their, and every of their heirs, executors and administrators, of and from and against the payment of all and every sum and sums of money, costs, charges, and expenses, which he, they, or any of them, his, their, or any of their heirs, executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in or about the due execution of the trusts of these presents; or in place of such bond or obligation shall procure the trustees or trustee so withdrawing, *resigning, removing*, or ceasing to be a member or members of the said Methodist Church or trust, to be effectually released and dis-



charged of and from and against the payment of all such sum or sums of money, costs, charges and expenses as last aforesaid, and from all liability on account or in respect thereof or in otherwise relating thereto. Provided always, that nothing hereinbefore contained shall be constructed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time, nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents; provided always, and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid, his, her and their lands, tenements, goods and chattels of, from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them, or in place or stead of such bond or other obligation of indemnity, shall and will (at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of, from and



against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

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THIRD SCHEDULE.

Declaration made in pursuance of section four of an Act passed in the forty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered

Know all men by these presents, that whereas we (*setting out the name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in deed granting to them*) we in pursuance of the provisions of section four of an Act passed in the forty-seventh year of the reign of Her Majesty, chaptered , do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed" as altered by the said Act, under the name of the Trustees of the congregation of the Free Methodist Church in Canada, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof we have hereunto set our hands and seals this                      day of                      A.D. 18

Signed, sealed and delivered in }  
duplicate in the presence of } [L.S.]

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THE FOURTH SCHEDULE.

Know all men by these presents, that whereas by a deed bearing date the                      day of                      , 18 , made between (*set out the parties*), the lands and premises following, that is to say (*setting out lands*), were granted to (*setting out names of trustees*), as trustees (*setting out name by which the trustee board is described in deed*); and whereas (*setting out name or names*) has (*or have*) died (*resigned, withdrawn, ceased to be a member, or removed to a distance*), whereby his (*or their*) place (*or places*) has (*or have*) become vacant; *or*: and whereas it has been deemed advisable to increase the number of said trustees to (*giving number*), now we (*setting out names of the Official Board of members of quarterly Conference, as the case may be*) do hereby declare that we have appointed and do hereby appoint (*setting out name or names of appointees*) to be a trustee (*or trustees*) of the congregation of the Free Methodist Church in Canada, conjointly with (*setting out names of trustee or trustees holding office*), now holding office as trustees of said congregation.

In witness whereof we have hereunto set our hands and seals this                      day of                      , 18 .

Signed, sealed and delivered in }  
duplicate in the presence of } [L.S.]

BILL.

An Act to Incorporate the Annual Conference of the Free Methodist Church in Canada, and for other purposes.

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First Reading, 15th February, 1884.

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(*PRIVATE BILL.*)

MR. BADGEROW.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Incorporate the *General* Annual Conference of the Free Methodist Church of Ontario, in Canada, and for other purposes.

5 **W**HEREAS the *General* Annual Conference of the Free Methodist Church of Ontario, in Canada have, by their petition, represented that they are desirous to become incorporated in the Province of Ontario, and that they are desirous of having provided a short form of conveyance  
 10 by which the Trustees of the several congregations of the said Church, in the *said* Province, may have conveyed to them lands for the uses of the said Church, to have the same effect, and to be construed as if it contained the form of words which set out the trusts contained in  
 15 the Model Deed, being the first and second schedules to this Act, and that the Trustees of the several congregations of said Church, in the *said* Province by whatever name they may hold, should be enabled to alter and extend the trusts and provisions contained in and by the several deeds under which  
 20 the said Trustees hold, so that the lands conveyed by such deeds may be placed under the like trusts and provisions as are set out and contained in such Model Deed; and that the said Trustees of each of the congregations of said Church now holding, or to hold under, said deed, should from time to time be  
 25 enabled to add to their number or declare vacancies occasioned by resignation, removal to a distance, or other disability: And it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts  
 30 as follows:

1. The *General Annual* Conference of the Free Methodist Church of Ontario, in Canada shall be and is hereby declared to be a body politic and corporate, by the name and style of "The Free Methodist General Conference of Ontario, in Canada,"  
 35 and by that name shall have perpetual succession, and shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which it may alter and change at pleasure.

2. It shall be lawful for the regular members of said *General Annual* Conference, at its regular constitutional meetings to appoint such officers and to make and ordain such by-laws and regulations, in relation to the management and disposition of their real and personal estate, the duties of their officers and the management of the corporate offices, as they shall think  
 45 proper, provided they are not inconsistent with any Act or law in that behalf in force within this Province.

Preamble.

General Conference incorporated.

Power to appoint officers and make by-laws, etc.

Power to hold  
land, etc.

Registration  
of declarations  
of trust.

3. From and after the passing of this Act the trustees of the several congregations in Ontario of the Free Methodist Church of Ontario, in Canada, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the said Model Deed provided by this Act, may register, in the registry office of the county where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees, in the form or to the effect of that set out in the third schedule to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration, under and upon the like trusts, and for the purposes and under the directions and provisions of the Model Deed aforesaid, and set out in the first and second schedules hereto annexed, for such and the same ends, uses, intents and purposes, and with, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said Model Deed, provided by this Act, and set out in the first and second schedules hereto annexed; saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

Application of  
short forms in  
second  
schedule.

4. When a deed of real property in Ontario, made according to the forms set forth in the first schedule to this Act, or any other such deed expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number.

Effect of deeds  
which are in  
operation  
under this  
Act.

5. Any deed or part of a deed which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been passed.

What prop-  
erty shall pass  
by deed here-  
under.

6. Every such deed, unless an exception be specially made therein, shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to the land therein comprised, belonging, or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof, and all the



estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever, both at law and in equity, of the grantor in, to, out of, or upon the same lands, and every part and parcel thereof, with their and every of their appurtenances.

5 7. In the construction of this Act and the schedules thereto, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, respectively; and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

Interpretation.

10 8. The schedules and the directions and forms therein contained shall be deemed parts of this Act.

Schedules to form part of Act.

15 9. This Act may be cited and known as "*The Free Methodist Church of Ontario Act, 1884.*"

Short title.

## SCHEDULES TO WHICH THIS ACT REFERS.

### FIRST SCHEDULE.

This indenture, made in (duplicate) the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_, in pursuance of The *Free Methodist Church of Ontario Act, 1884*, and in pursuance of the Act respecting short forms of conveyances; between (*here insert the names, places of residence, and description of the grantors, parties barring dower or other estates and recitals, if any, describing the grantees, in addition to their usual additions, as the Trustees of the \_\_\_\_\_ congregation of the Free Methodist Church of Ontario in Canada*), witnesseth that in consideration of the sum of \_\_\_\_\_ dollars of lawful money of Canada now paid by the said Trustees to the said part of the \_\_\_\_\_ part (the receipt whereof is hereby acknowledged) the said part \_\_\_\_\_ of the \_\_\_\_\_ part \_\_\_\_\_ do grant and assign unto the said trustees and their successors in the said trusts, all etc., (parcels) to have and to hold the said parcel or tract of land and premises unto and to the use of the said trustees and their successors in the said trusts forever, upon the following trusts (*here set out the trusts, provisoes, covenants and other provisions*).

In witness whereof the said parties hereto have hereunto set their hands and seals.

## SECOND SCHEDULE.

*Directions as to the forms in this schedule, in cases of sale and conveyance of real property.*

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine, or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

## COLUMN ONE.

1. Upon trust to build a church and other buildings.

2. To permit building to be used as a church by the Free Methodist Church.

## COLUMN TWO.

1. Upon trust that they the said parties hereto of the third part, and their successors, or the trustees or trustee for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, vestry room or vestry rooms, school room or school rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall from time to time deem necessary or expedient.

2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Free Methodist Church of Ontario in Canada as aforesaid, and for public and other meetings and services held according to the rules and discipline and general usages of the said church, and do and shall from time to time and at all times hereafter permit and suffer such person or persons as are hereinafter mentioned or designated, and such person and persons only, to preach and expound God's holy Word, and to perform the usual acts of religious

worship therein, and burial services in the burial ground thereto belonging; that is to say, such person and persons as shall be from time to time approved and for that purpose duly appointed by the annual Conference of the said Free Methodist Church; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed (according to the rules and discipline of the said Free Methodist Church) by the chairman for the time being of the district, or the minister in charge of the circuit or station in which the said church or place of religious worship, shall for the time being be situated; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Conference to fill up any vacancy or vacancies at any time occasioned by the death, removal, or suspension of a minister or ministers in or during any interval between the sittings of the said Conference, but only until the next Conference, and in no case any other person or persons whomsoever.

3. To permit dwelling house on said premises to be used by the minister in charge.

3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Free Methodist Church to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the Conference of the said Free Methodist Church according to the rules and discipline thereof, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the said Free Methodist Church; and that the officiating minister for the time being, whether appointed by the said Conference or permitted or appointed by the said chairman or minister

in charge for the time being, or otherwise permitted, or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and discipline and general usage of the said Free Methodist Church; provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's holy Word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part or parts thereof, who shall maintain, promulgate, or teach any doctrine or practice contrary to the well-understood Christian doctrines and discipline recognized and maintained by the said Free Methodist Church.

4. To permit Sunday schools to be carried on in said church.

4. And, upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid or, if there shall be no separate school room or school rooms, and it shall, by the trustees for the time being of these presents, or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools to be held, conducted, and carried on from time to time in the said school room or school rooms; or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein; and, in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said Conference have directed or appointed, or shall hereafter from time to time direct or appoint; and, also, subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove build-

5. Provided always, that it shall be lawful for the trustees, for the time being



ings and to re-build.

of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building or rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences and appurtenances, or enlarging or altering the same, respectively, or all, or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage, provided mortgage covers *entire* debt, *owing in relation to the trust premises.*

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage, and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whomsoever, for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; nevertheless, it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents, unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect or on account of or in relation to, the said trust premises, or from the said trustees for the time being, or any of them, for or on account or in respect of the said

trust premises, or some part or parts thereof, respectively, excepting only such debt and debts as may then be accruing due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which shall be made or be proposed to be made, under or by virtue of these presents, or whether the same is or are made or intended to be made for the whole amount of the debt, or of the aggregate amount of the debts which shall be so due and owing as aforesaid, nor shall anything in these presents contained or which may be contained in any such mortgage or mortgages extend, or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed, to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them, respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her or their heirs, executors, administrators and assigns, shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let dwelling houses, and to sell graves and tombs, *a burial ground is included in trust property.*

7. And upon further trust from time to time, and at all times hereafter, if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them, [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated] at a reasonable rent or reasonable

rents ; and also, if there shall be a cemetery or burial-ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from the said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Free Methodist Church for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient; Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such ministers or minister on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the chairman of the district, and the Official Board of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

8. Trustees to hold moneys arising therefrom upon trust ; to pay taxes, insurance, and for repairs ; also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid) upon trust, thereout to pay in the first place, such duties, taxes, rates and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises, or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition ; and



likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts thereof by virtue of these presents, and then to retain to and reimburse themselves, respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them; and in the next place, thereout to pay and discharge the necessary costs, charges and expenses from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges, incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid.

9. To pay over surplus to the official Board to be applied towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.

9. And upon further trust, from time to time to pay over to the official Board any surplus money remaining after due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid, which Board shall apply the same (but according and in conformity to the rules and discipline of the said Free Methodist Church) for or toward the support of the minister or ministers for the time being, respectively, appointed by the said Conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship appropriated to the use of the said Free Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Free Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned; or in subscribing or giving to any of the general funds, objects, or charities of the said Free Methodist Church; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the members of the Official Board for the time being, or the major



part of them, shall from time to time think necessary or expedient.

10. To appoint and remove treasurers.

10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them, at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion to appoint any person or persons of decent and sober conduct and good reputation to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers or any of them.

11. To keep books of account and submit same for audit.

11. And it is hereby declared that the trustees or trustee, for the time being, of these presents, shall themselves, or by their treasurer or treasurers, keep a book or books of accounts, in which from time to time shall be plainly, legibly and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of accounts; and shall also in like manner keep a book or books of minutes, in which from time to time shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business, had taken and done thereat, and also of all documents, articles, matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents; and shall and will from time to time, and at all seasonable times hereafter, upon the request of the chairman for the time being of the district in which the said church or place of religious worship shall, for the time being, be situated, produce and show forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and

permit and suffer copies or abstracts of, or abstracts from, them or any of them to be made and taken by the said chairman or any person or persons whom he shall from time to time desire to make and take the same; and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in anywise to the said trust premises, shall, at least once in the year and oftener if the said chairman shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly upon a day to be appointed by the said chairman for the time being, or with his concurrence, examined and audited by the chairman and the Official Board of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose; and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said chairman for the time being by the said Official Board, the said trustee, or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, and every member of the said Official Board, and either personally served upon him and them respectively, or left for or sent by the post to him and them, at his and their most usual place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said chairman for the time being, as aforesaid, to appoint in writing a deputy or deputies to act therein for him and the said Official Board as aforesaid; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matters and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is here-

12. And it is hereby declared that every

by declared that fourteen days' notice of a special meeting, and convenient notice of other meetings of trustees shall be given.

meeting for the purpose of taking into consideration the propriety of making any alteration of, or any addition to, or mortgage or sale of the said church or place of religious worship and premises thereof, of any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms, as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves and tombs as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the trustees for the time being of these presents, or by the minister in charge for the time being, shall be given to the other and others of them, and him, the said trustees, and minister in charge (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and, for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required, as hereinbefore is mentioned), a meeting of the trustees, for the time being, of these presents, may be held with the said minister in charge for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said minister in charge for the time being, and either personally served upon or left for, or sent



by the post as aforesaid, to the other and others of them respectively, at his and their most usual place or places of abode or business: Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents, who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by, the person or persons who is or are, respectively, as aforesaid, authorized to give any such notices or notice as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given, and in case the votes shall be equally divided then the chairman of such meeting shall give the casting vote, and which casting vote he shall have in addition to the vote which he shall be entitled to in his character of trustee, minister in charge, or otherwise; and it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized, or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them; and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the



same time or on the same question, although holding more than one office at the same time in the said Free Methodist Church, or in the same meeting.

14. That the rules, discipline, doctrines and usages of the Church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "Doctrines and Discipline of the said Free Methodist Church," in these presents mentioned or referred to, are the Doctrines and Discipline of the said Church, as printed and published by authority of the said Conference in a book entitled, "The Doctrines and Discipline of the Free Methodist Church," and the general usage and practice of the societies belonging to said church, and such rules and regulations as may from time to time be made or adopted by the said Conference, and printed and published in their annual minutes in accordance with the provisions contained in the said book of discipline for altering or amending the same, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That *unless where deed directs otherwise* minister in charge shall be chairman of meetings of trustees, but in case of absence trustees may appoint chairman.

15. Provided always, and it is hereby declared that, excepting where the contrary is in these presents expressly declared or provided for, the minister in charge for the time being of the circuit or station in which the said church or place of religious worship shall for the time being be situated, shall be the chairman of, and shall preside at, and shall have a vote as such minister in charge in all meetings held under or by virtue of these presents; but in case the said minister in charge for the time being shall at any time neglect to attend at any such meeting as aforesaid, or if the minister in charge shall attend but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said minister in charge shall not attend any such meeting, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held, upon any such neglect or refusal of the said minister in charge, shall be as valid and effectual as if the said minister had been the chairman thereof and had presided thereat.

16. Proviso for

16. Provided always, and it is hereby

sale of land with consent of Conference.

declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the said Conference, such consent to be testified in writing under the hand of the president for the time being of the said Conference, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of such part or parts of the same respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her, or their heirs and assigns or as he, she or they shall direct or appoint; and the hereditaments and premises so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed and absolutely discharged from these presents and from the trusts hereby declared, and every of them; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities, and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof or of any of them, and subject thereto either for or toward promoting the preaching of the Gospel in the said Free Methodist Church in the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises, so sold or disposed of, to be settled upon the same trusts, and to and for the same ends, intents and purposes, and with, under and subject to the same

powers, provisos and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents, and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said Conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them; and all the money arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed with respect to any sale made in pursu-



ance or in consequence of such consent of or by the said Conference as aforesaid; but it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the trustees for the time being as aforesaid, or a majority of them, shall give notice in writing to the said Conference or to the president for the time being of the said Conference, on or before the first day of the then next annual meeting of the said Conference, of their intention to make such sale, and the reasons for the same, nor unless the said Conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the trustees for the time being of these presents shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid; and in all cases except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.



19. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to enquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were duly authorized to sign and give receipts as aforesaid; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents, shall not, nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands, nor for injury done by others to the said trust premises or to any part or parts thereof.

21. That the number of trustees shall not be less than three nor more than twenty-one, and that vacancies are to be filled and number increased

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full number of the trustees of the said trust shall not be less than three or more than twenty-one, the first of whom shall be elected by a society meeting called for that purpose and shall be members

by nomination and appointment.

in full connection, of the age of not under twenty-one years, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Free Methodist Church, according to the rules and discipline of the said Church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said Church, or removing as aforesaid, shall thereupon become vacant, subject, however, to the provisos next hereinafter set out, and shall be filled with a successor or successors being a member or members of the said Church, of the full age of twenty-one years, to be nominated and appointed by the Official Board of the circuit or station; Provided always that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the Official Board consent to the resignation of more than one trustee by any one vote; Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said Church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the members of the said Official Board, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid; Provided, that no prior vacancy remain then unfilled, and provided, that not more than one vacancy shall be declared by any one vote; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees, shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, or should the said Official Board omit to fill any such vacancy or vacancies as aforesaid, then, and in every such case, it shall and may be lawful for the quarterly

Conference of the district in which the property is situate to appoint the requisite number of the trustees of the said trust, and to fill any such vacancy or vacancies by the vote of the majority of the members of the said Conference then present, and in case of an equal division of their votes the chairman of the said Conference shall have the casting vote in such appointment, and the person or persons so appointed trustee or trustees shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above-named trustees in and by these presents.

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church as aforesaid, and whose place has become vacant, as aforesaid, shall make request for that purpose in writing to the Official Board, they, the said surviving trustees, shall and will within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, resigning, or removing, or ceasing to be a member or members of the said Free Methodist Church or trust as aforesaid, and every of them, their, and every of their heirs, executors and administrators, of and from and against the payment of all and every sum and sums of money, costs, charges, and expenses, which he, they, or any of them, his, their, or any of their heirs, executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in or about the due execution of the trusts of these presents; or in place of such bond or obligation shall procure the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church or trust, to be effectually released and dis-



charged of and from and against the payment of all such sum or sums of money, costs, charges and expenses as last aforesaid, and from all liability on account or in respect thereof or otherwise relating thereto. Provided always, that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time, nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents; provided always, and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid, his, her and their lands, tenements, goods and chattels of, from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them, or in place or stead of such bond or other obligation of indemnity, shall and will (at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of, from and



against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

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THIRD SCHEDULE.

Declaration made in pursuance of section three of *The Free Methodist Church of Ontario Act, 1884*, passed in the forty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered

Know all men by these presents, that whereas we (*setting out the name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in deed granting to them*) we in pursuance of the provisions of section four of an Act passed in the forty-seventh year of the reign of Her Majesty, chaptered , do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed" as altered by the said Act, under the name of the Trustees of the congregation of the Free Methodist Church of Ontario, in Canada, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof we have hereunto set our hands and seals this day of A.D. 18

Signed, sealed and delivered in }  
duplicate in the presence of } [L.S.]

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FOURTH SCHEDULE.

Know all men by these presents, that whereas by a deed bearing date the day of , 18 , made between (*set out the parties*), the lands and premises following, that is to say (*setting out lands*), were granted to (*setting out names of trustees*), as trustees (*setting out name by which the trustee board is described in deed*); and whereas (*setting out name or names*) has (*or have*) died (*resigned, withdrawn, ceased to be a member, or removed to a distance*), whereby his (*or their*) place (*or places*) has (*or have*) become vacant; or: and whereas it has been deemed advisable to increase the number of said trustees to (*giving number*), now we (*setting out names of the Official Board of members of quarterly Conference, as the case may be*) do hereby declare that we have appointed and do hereby appoint (*setting out name or names of appointees*) to be a trustee (*or trustees*) of the congregation of the Free Methodist Church of Ontario, in Canada, conjointly with (*setting out names of trustee or trustees holding office*) now holding office as trustees of said congregation.

In witness whereof we have hereunto set our hands and seals this day of , 18 .

Signed, sealed and delivered in }  
duplicate in the presence of } [L.S.]

BILL.

An Act to Incorporate the *General Annual Conference of the Free Methodist Church of Ontario*, in Canada, and for other purposes.

*(Reprinted as amended.)*

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First Reading, 15th February, 1884.

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*(PRIVATE BILL.)*

Mr. BADGEROW.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to prevent the spread of Noxious Weeds, and  
of Diseases affecting Fruit Trees.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Chapter one hundred and eighty-eight of the Revised  
5 Statutes of Ontario entitled “an Act to prevent the spreading  
of Canada Thistles,” chapter thirty-three of the Acts passed in  
the forty-second year of Her Majesty’s reign, entitled “an Act  
to protect Plum and Cherry Trees,” and chapter twenty-eight  
of the Acts passed in the forty-fourth year of Her Majesty’s  
10 reign, entitled “an Act to prevent the spread of the Yellows  
among Peach, Nectarine and other Trees,” are hereby repealed.

R. S. O., c.  
188; 42 V. c.  
33, and 44 V.  
c. 28, repealed.

2. It shall be the duty of every owner of land, or the occu-  
pant thereof if the owner is not resident within the local  
municipality wherein the same is situate—(1) To cut down all  
15 the Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock,  
wild mustard, and other noxious weeds, growing on his land,  
to which this Act may be extended by by-law of the municipi-  
pality, so often each and every year as is sufficient to prevent  
the ripening of their seed; (2) To cut out and burn all the black-  
20 knot found on plum or cherry trees on his land, so often each and  
every year as it shall appear on such trees; and (3) To cut  
down and burn any peach, nectarine or other trees on his land  
infected with the disease known as the yellows, and to destroy  
all the fruit of trees so infected.

Duty of  
owners and  
occupants as  
to destruction  
of weeds, etc.

- 25 3. The Council of any city, town, township or incorporated  
village may, and upon the petition of (*fifty*) or more ratepayers  
shall, by by-law extend the operation of this Act to any other  
weed or weeds or to any other disease of fruit trees or fruit  
declared in such petition to be noxious to husbandry or gar-  
30 dening in the municipality; and all the provisions of this Act  
shall apply to such noxious weeds and diseases as if the same  
were herein enumerated.

Operation of  
Act may be  
extended.

- (2) Any such Council may, and upon a similar petition  
shall, appoint an Inspector to enforce the provisions of this  
35 Act in the municipality, and fix the amount of remuneration,  
fees or charges he is to receive for the performance of his  
duties.

Appointment  
of Inspector.

4. It shall be the duty of such Inspector to give notice in  
writing to the owner or occupant of any land within the muni-  
40 cipality whereon the said noxious weeds are growing and in

Duty of  
Inspector.

danger of going to seed (and in the case of property of a Railway Company, such notice shall be given to any station master of such Company resident in or nearest to the municipality), requiring him to cause the same to be cut down within five days from the service of such notice; and it shall be the duty of the Inspector to give such notice for the first time not later than the twenty-fifth day of June in each year. 5

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down all or any of the said noxious weeds within the period aforesaid, the said Inspector shall enter upon the land and cause such weeds to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor. 10 15

(3) But no such Inspector shall have power to enter upon or cut noxious weeds on any land sown with grain; and where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down the same. 20

Account of  
expenses and  
payment  
thereof.

5. The said Inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement, of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner or occupant of such resident lands, requiring him to pay the amount. 25

(2) If any owner or occupant of land amenable under the provisions of this Act deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after the delivery of such statement), and the said Council shall determine the matter in dispute. 30

(3) In case the owner or occupant of such resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the Council of the municipality in which such expense was incurred, and the said Council is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general purposes of the said municipality. 35 40

Provision as  
to expenses in  
case of non-  
resident land.

6. The said Inspector shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and pay the same in like manner. 45

Collection of  
sums paid for  
expenses by  
municipality.

7. The Council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the Clerk severally placed upon the Collector's Roll of the municipality against the lands described in the statement of the Inspector, and to be collected in the same manner as other taxes imposed by by-laws of the municipality. 50



8. It shall be the duty of the Overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting or causing to be cut all the noxious weeds  
 5 growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labor, or to be paid for at a reasonable rate by the Treasurer of the municipality, as the Council of the municipality may direct.

Duty of overseers of highways.

10 9. If written complaint be made to the Inspector that yellows or black-knot exist within the municipality, in any  
 1 locality described in such complaint with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall im-  
 15 mediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within five days from the receipt of said notice to deal with such trees in the manner provided by the second section of this Act.

Duty of Inspector on special complaint.

20 10. Any owner or occupant of land who knowingly suffers any of the said noxious seeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, or who suffers any black-knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or  
 25 the fruit of trees so infected, shall upon conviction be liable to a fine of not less than five nor more than twenty dollars for every such offence.

Penalties.

(2) Any person who knowingly vends any grass or other seed among which there is seed of any noxious weed named  
 30 in this Act shall for every such offence, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(3) Any person who knowingly offers for sale or shipment, or to sell or ship, the fruit of trees infected with yellows shall,  
 35 upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(4) Every Inspector of a municipality, Overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable  
 40 to a fine of not less than ten nor more than twenty dollars.

11. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid to the Treasurer  
 45 of the municipality in which the offence is committed, for the use of the municipality.

Recovery and application of penalties.

12. The Corporation of every municipality in Ontario shall require its Inspector, Overseer of highways and other officers to faithfully discharge all their duties under this Act.

Municipalities to require officers to enforce Act.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to prevent the spread of Noxious  
Weeds, and of Diseases affecting Fruit  
Trees.

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First Reading, 13th February, 1884.

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Mr. Ross (*Huron*).

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.


An Act to prevent the spread of Noxious Weeds, and  
of Diseases affecting Fruit Trees.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Chapter one hundred and eighty-eight of the Revised R. S. O., c.  
5 Statutes of Ontario entitled "an Act to prevent the spreading 188; 42 V. c.  
of Canada Thistles," chapter thirty-three of the Acts passed in 33, and 44 V.  
the forty-second year of Her Majesty's reign, entitled "an Act c. 28, repealed.  
to protect Plum and Cherry Trees," and chapter twenty-eight  
of the Acts passed in the forty-fourth year of Her Majesty's  
10 reign, entitled "an Act to prevent the spread of the Yellows  
among Peach, Nectarine and other Trees," are hereby repealed.

2. It shall be the duty of every owner of land, or the occu- Duty of  
pant thereof if the owner is not resident within the local owners and  
municipality wherein the same is situate—(1) To cut down or occupants as  
15 *destroy* all the Canada thistles, ox-eye daisy, wild oats, rag-weed, to destruction  
burdock *and* wild mustard *growing on his land* and *all* other of weeds, etc.  
noxious weeds growing on his land, to which this Act may be  
extended by by-law of the municipality, so often each and  
every year as is sufficient to prevent the ripening of their seed ;  
20 (2) To cut out and burn all the black-knot found on plum or  
cherry trees on his land, so often each and every year as it shall  
appear on such trees ; and (3) To cut down and burn any  
peach, nectarine or other trees on his land infected with the  
disease known as the yellows, and to destroy all the fruit of  
25 trees so infected.

3. The Council of any city, town, township or incorporated Operation of  
village may by by-law extend the operation of this Act to any Act may be  
other weed or weeds or to any other disease of fruit trees or extended.  
fruit *which they declare to be* noxious to husbandry or gar-  
30 dening in the municipality ; and all the provisions of this Act  
shall apply to such noxious weeds and diseases as if the same  
were herein enumerated.

(2) Any such Council may, and upon a petition of *fifty or* Appointment  
*more ratepayers*, shall appoint *at least one* Inspector to enforce of Inspector.  
35 the provisions of this Act in the municipality, and fix the  
amount of remuneration, fees or charges he is to receive for  
the performance of his duties ; ~~and~~ and in case a vacancy shall  
occur in the office of inspector, it shall be the duty of the coun-  
cil to fill the same forthwith. 

40 4. It shall be the duty of such Inspector to give *or cause to be* Duty of  
*given* notice in writing to the owner or occupant of any land Inspector.  
within the municipality whereon the said noxious weeds are

growing and in danger of going to seed (and in the case of property of a Railway Company, such notice shall be given to any station master of such Company resident in or nearest to the municipality), requiring him to cause the same to be cut down or destroyed within ten days from the service of such notice; and it shall be the duty of the Inspector to give or cause to be given such notice for the first time not later than the tenth day of July in each year, or such other earlier date as may be fixed by by-law of the municipality. 5

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down or destroy all or any of the said noxious weeds within the period aforesaid, the said Inspector shall enter upon the land and cause such weeds to be cut down or destroyed with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; or the Inspector, instead of entering upon the land and causing such weeds to be cut down or destroyed, may lay information before any Justice of the Peace as to such refusal or neglect, and such owner or occupant shall, upon conviction, be liable to the penalties imposed by the tenth section of this Act. 10 15 20

(3) But no such Inspector shall have power to cut down or destroy noxious weeds on any land sown with grain; and where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down or destroy the same. 25

Account of  
expenses and  
payment  
thereof.

5. The said Inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement, of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident lands, requiring him to pay the amount. 30 35

(2) If any owner or occupant of land amenable under the provisions of this Act deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after the delivery of such statement), and the said Council shall determine the matter in dispute. 40

(3) In case the owner or occupant of resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the Council of the municipality in which such expense was incurred, and the said Council is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general purposes of the said municipality. 45

Provision as  
to expenses in  
case of non-  
resident land.

6. The said Inspector shall also present to the said Council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the said Council is hereby authorized and required to audit and allow the same, or so much thereof as said Council may seem just, and to pay so much thereof as has been so allowed. 50 55



7. The Council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the Clerk severally placed upon the Collector's Roll of the municipality against the lands described in the statement of the Inspector, and to be collected in the same manner as other taxes imposed by laws of the municipality. Collection of sums paid for expenses by municipality.

8. It shall be the duty of the Overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labor, or to be paid for at a reasonable rate by the Treasurer of the municipality, as the Council of the municipality may direct. Duty of overseers of highways.

9. If written complaint be made to the Inspector that yellows or black-knot exist within the municipality, in any locality described in such complaint with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within five days from the receipt of said notice to deal with such trees in the manner provided by the second section of this Act. Duty of Inspector on special complaint.

10. Any owner or occupant of land who refuses or neglects to cut down or destroy any of the said noxious weeds, after notice given by the Inspector, as provided by section four, or who knowingly suffers any of the said noxious weeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, or who suffers any black-knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction be liable to a fine of not less than five nor more than twenty dollars for every such offence. Penalties.

(2) Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of any noxious weed named in this Act shall for every such offence, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(3) Any person who knowingly offers for sale or shipment, or sells or ships the fruit of trees infected with yellows shall, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(4) Every Inspector, Overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable to a fine of not less than ten nor more than twenty dollars.

11. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and the application of penalties.

covered and levied, on summary conviction, before any Justice of the Peace ; and all fines imposed shall be paid to the Treasurer of the municipality in which the offence is committed, for the use of the municipality.

**Municipalities to require officers to enforce Act.**      **12.** The Council of every municipality in Ontario shall require its Inspector, Overseer of highways and other officers to faithfully discharge all their duties under this Act. 5

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to prevent the spread of Noxious Weeds, and of Diseases affecting Fruit Trees.

First Reading, 13th February, 1884.  
Second " 4th March, 1884.

(Reprinted as amended.)

Mr. Ross (*Huron*).

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to prevent the spread of Noxious Weeds, and  
of Diseases affecting Fruit Trees.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Chapter 188 of the Revised Statutes of Ontario, en-  
titled "*An Act to prevent the spreading of Canada Thistles*,"  
chapter 33 of the Acts passed in the forty-second year of Her  
Majesty's reign, entitled "*An Act to protect Plum and Cherry  
Trees*," and chapter 28 of the Acts passed in the forty-fourth  
year of Her Majesty's reign, entitled "*An Act to prevent the  
spread of the Yellows among Peach, Nectarine and other  
Trees*," are hereby repealed.

2. It shall be the duty of every owner of land, or the occu-  
pant thereof if the owner is not resident within the local  
municipality wherein the same is situate—(1) To cut down or  
destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed,  
burdock and wild mustard growing on his land, and all other  
noxious weeds growing on his land to which this Act may be  
extended by by-law of the municipality, so often each and  
every year as is sufficient to prevent the ripening of their seed ;  
(2) To cut out and burn all the black-knot found on plum or  
cherry trees on his land, so often each and every year as it shall  
appear on such trees ; and (3) To cut down and burn any  
peach, nectarine or other trees on his land infected with the  
disease known as the yellows, and to destroy all the fruit of  
trees so infected.

3. (1) The Council of any city, town, township or incorporated  
village may by by-law extend the operation of this Act to any  
other weed or weeds or to any other disease of fruit trees or  
fruit which they declare to be noxious to husbandry or gar-  
dening in the municipality ; and all the provisions of this Act  
shall apply to such noxious weeds and diseases as if the same  
were herein enumerated.

(2) Any such Council may, and upon a petition of fifty or  
more ratepayers shall appoint at least one Inspector to enforce  
the provisions of this Act in the municipality, and fix the  
amount of remuneration, fees or charges he is to receive for  
the performance of his duties ; and in case a vacancy shall  
occur in the office of Inspector, it shall be the duty of the coun-  
cil to fill the same forthwith.

(3) The council of any township in which there are any  
large tracts or blocks of waste or unoccupied land, may upon

R. S. O., c.  
188 ; 42 V. c.  
33, and 44 V.  
c. 28, repealed.


Duty of  
owners and  
occupants as  
to destruction  
of weeds, etc.

Operation of  
Act may be  
extended.

Appointment  
of Inspector.

Exemption of  
waste or unoc-  
cupied lands.



the petition of not less than thirty ratepayers, by by-law suspend the operation of this Act, in respect of such waste or unoccupied lands; the by-law to define with sufficient clearness the tracts or blocks of land so exempted; such by-law to remain in force until repealed by such council; and until repealed the lands therein described shall be exempt from the operation of this Act. 

Duty of  
Inspector.

4. (1) It shall be the duty of such Inspector to give or cause to be given notice in writing to the owner or occupant of any land within the municipality whereon the said noxious weeds are growing and in danger of going to seed (and in the case of property of a railway company, such notice shall be given to any station master of such company resident in or nearest to the municipality), requiring him to cause the same to be cut down or destroyed within ten days from the service of such notice; and it shall be the duty of the Inspector to give or cause to be given such notice for the first time not later than the tenth day of July in each year, or such other earlier date as may be fixed by by-law of the municipality.

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down or destroy all or any of the said noxious weeds within the period aforesaid, the said Inspector shall enter upon the land and cause such weeds to be cut down or destroyed with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; or the Inspector, instead of entering upon the land and causing such weeds to be cut down or destroyed, may lay information before any Justice of the Peace as to such refusal or neglect, and such owner or occupant shall, upon conviction, be liable to the penalties imposed by section 10 of this Act.

(3) But no such Inspector shall have power to cut down or destroy noxious weeds on any land sown with grain; and where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down or destroy the same.

Account of  
expenses and  
payment  
thereof.

5. (1) The said Inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement, of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident lands, requiring him to pay the amount.

(2) If any owner or occupant of land amenable under the provisions of this Act deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after the delivery of such statement), and the said Council shall determine the matter in dispute.

(3) In case the owner or occupant of resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the Council of the municipality in which such expense was incurred, and the said Council is hereby authorized and required to audit and allow such claim, and order the



same to be paid from the fund for general purposes of the said municipality.

6. The said Inspector shall also present to the said Council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the said Council is hereby authorized and required to audit and allow the same, or so much thereof as to said council may seem just, and to pay so much thereof as has been so allowed.

Provision as to expenses in case of non-resident land.

7. The Council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the Clerk severally placed upon the collector's roll of the municipality against the lands described in the statement of the Inspector, and to be collected in the same manner as other taxes imposed by by-laws of the municipality.

Collection of sums paid for expenses by municipality.

8. It shall be the duty of the Overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labour, or to be paid for at a reasonable rate by the Treasurer of the municipality, as the Council of the municipality may direct.

Duty of overseers of highways.

9. If written complaint be made to the Inspector that yellows or black-knot exist within the municipality, in any locality described in such complaint with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within five days from the receipt of said notice to deal with such trees in the manner provided by section 2 of this Act.

Duty of Inspector on special complaint.

10. (1) Any owner or occupant of land who refuses or neglects to cut down or destroy any of the said noxious weeds, after notice given by the Inspector, as provided by section 4, or who knowingly suffers any of the said noxious weeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, or who suffers any black-knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction be liable to a fine of not less than five nor more than twenty dollars for every such offence.

Penalties.

(2) Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of any noxious weed named in this Act shall for every such offence, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(3) Any person who knowingly offers for sale or shipment, or sells or ships the fruit of trees infected with yellows shall,

upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(4) Every Inspector, Overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable to a fine of not less than ten nor more than twenty dollars. 5

Recovery and application of penalties.

11. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid to the Treasurer of the municipality in which the offence is committed, for the use of the municipality. 10

Municipalities to require officers to enforce Act.

12. The Council of every municipality in Ontario shall require its Inspector, Overseer of highways and other officers to faithfully discharge all their duties under this Act. 15

Interpretation.

"Non-resident land,"  
"Resident lands,"

13. Where used in this Act the term "non-resident land" shall apply to all lands which are unoccupied, and the owner of which is not resident within the municipality, and the term "resident lands" shall apply to all lands which are occupied or which are owned by persons resident within the municipality. 20

No. 58.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to prevent the spread of Noxious Weeds, and of Diseases affecting Fruit Trees.

(Reprinted as amended.)

First Reading, 13th February, 1884.  
Second " 4th March, 1884.

Mr. ROSS (*Huron*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to improve the Liquor License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of chapter one hundred and eighty-one of the Revised Statutes of Ontario is amended by adding thereto the following:

(5) "License District" shall mean the city, county, union of counties, or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct.

(6) "Polling sub-division" shall mean the polling sub-division for the last general election for the district for the Legislative Assembly in which the licensed premises or the premises for which a license is sought are situated.

2. The third sub-section of section four is repealed and the following is substituted therefor:

(3) For declaring that in cities having a population of less than 15,000, a number not exceeding three persons; a population of between 15,000 and 30,000, a number not exceeding five persons; a population over 30,000, a number not exceeding ten persons; and in towns having a population of less than 6,000, a number not exceeding two persons, and a population over 6,000, a number not exceeding three persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law.

3. The third sub-section of section 7, is hereby amended by adding thereto the following: "provided always that the petition or application therefor shall have been filed with the Inspector on or before the first day of April next preceding."

4. The following sub-sections shall be added to section 9 of the said Act:

(5) The Board of Commissioners shall, on or before the first day of April, fix a day for considering applications for licenses, being not less than one week prior to the first day of May in each year, and the Inspector shall publish, in a newspaper published in the district, the date and place of such meeting at least fourteen days before the day of such meeting. The Inspector shall also cause a notice containing similar information to be fixed to or near the outer door of the building in which his office is situated.



Notice by  
Inspector  
as to applica-  
tions for  
licenses.

(6) The Inspector shall cause to be published in some newspaper published in the district, the name of each applicant for a license, *who is not at the time of the making of such application a licensee under this Act, or who applies for the licensing of premises not then under license*, the description 5 of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, at least fourteen days before the first meeting of the Board to consider applica-  
*tions. He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar* 10  
*information, and the same shall be open to the public for in-*  
*spection without charge. (Dom. Act, s. 15.)*

Objections to  
applications  
for license.

(7) It shall be the right and privilege of any ten or more electors of *any* polling sub-division to object by petition, or in any similar manner, to the granting of any license *within* 15  
*such sub-division. The objections which may be taken to the granting of a license may be one or more of the following:*  
(Dom. Act, s. 17.)

As to charac-  
ter of appli-  
cant.

(8) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that 20  
the applicant has been convicted of selling liquor without a license within a period of one year; *or that he has kept, within a period of two years, a place in which the illicit sale of liquors was frequent and notorious ; or—* (Dom. Act 17, ss. 1.)

As to his  
premises.

(9) That the premises in question are out of repair, or have 25  
not the accommodation required *by law*, or reasonable accom-  
modation if the premises be not subject to the said require-  
ments; or— (Dom. Act s. 17, ss. 2.)

As to the  
neighborhood.

(10) That the licensing thereof is not required in the neigh-  
bourhood, or that the premises are in the immediate vicinity 30  
of a place of public worship, hospital, or school, or that the  
quiet of the place in which such premises are situate will be  
disturbed if a license is granted. (Dom. Act, s. 17, ss. 3.)

Hearing ob-  
jectors.

(11) Any person who has signed a memorial against the grant-  
ing of a license may be heard in opposition thereto *by himself* 35  
*or his agent. (Dom. Act, s. 29, ss. 5.)*

And those  
authorized by  
municipali-  
ties.

(12) The Council of any city, town or incorporated village, or  
of any municipality or parish, may authorize any person to  
appear in a similar manner on behalf of the ratepayers of such  
city, town, incorporated village, municipality or parish as to 40  
the granting of a license, and such person so authorized shall  
have a right to be heard before the Board against the granting  
of such license. (Dom. Act, s. 29, ss. 6.)

As to objec-  
tions to char-  
acter.

(13) No objection in respect of the character of any applicant  
shall be entertained unless three days' notice has been given 45  
to the applicant. (Dom. Act, s. 29, ss. 7.)

Board may  
notice matters  
not mentioned  
by objectors.

(14) Notwithstanding anything in this Act contained, the  
Board may, of their own motion, take notice of any matter or  
thing which in their opinion would be an objection to the  
granting of a license, although no notice or objection has been 50  
given or made as by this Act provided: in any such case the  
Board shall notify the applicant, and shall adjourn their hear-  
ing of the application, if requested by him, for any period not  
exceeding fourteen days and not less than seven days, in order  
that any person affected by the objection may have an oppor- 55  
tunity of answering the same. (Dom. Act, s. 29, ss. 9.)

Notice to ap-  
plicant in such  
cases.



- (15) The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that *in cases in which the decision of the Board has not been unanimous, or in cases in which the person or* 5 *persons affected by such decision petition the Board and allege facts or grounds for their consideration not formerly before them, the Board may by resolution, in which all of the Commissioners concur, decide to re-hear the case.* (Dom. Act, s. 29, ss. 10.) Decision of Board final.
- 10 (16) No license shall be granted to any applicant for premises not then under license if a majority of the duly qualified parliamentary electors of the sub-division petition against it, on the grounds hereinbefore set forth, or any of such grounds. *In case of any dispute as to whether the number of* 15 *electors who have signed such petition compose a majority of the duly qualified parliamentary electors of the sub-division, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, the Inspector shall make all necessary inquiries, and may take evi-* 20 *dence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the Board the number of duly qualified parliamentary electors for the sub-division and the number of such who have signed the petition, and his certificate shall be final and conclusive* (Dom. Act, s. 32.) Two-thirds majority may prevent license.
- 25 (17) Any petition against the granting of a license shall be lodged with the Inspector *at least four days before the said first meeting of the Board to consider the application; and the Inspector shall present the same to the Board at the first meeting thereof.* (Dom. Act, s. 19.) Time for filing
- 30 (18) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all certificates and petitions lodged with him as aforesaid, and every such petition or memorial shall be open for public inspection without fee. (Dom. Act, s. 20.) Posting list of petitions, &c.
- 35 (19) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board. (Dom. Act, s. 22.) Hearing and determining objections.
- (20) Every such hearing shall be open to the public, and the Board may summon and examine on oath such 40 witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices in relation to summary convictions and orders; and any member of the Board may administer the oath, but nevertheless 45 *nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application or applications.* (Dom. Act, s. 22, ss. 2.) Proceedings at hearings.
- 50 (21) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the district. (Dom. Act, s. 22, ss. 3.) Adjourning meetings.
- (22) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in 55 which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

(23) The foregoing sub-sections of this section are declared to be directory only, and for the guidance of the Board and the Inspectors in the conduct of the business of their office, in so far as they may in each particular case be deemed by the Board practicable, and the same may be followed and observed 5 by the Board as far as they shall be considered convenient and practicable. In case of non-compliance therewith or with any part thereof, such non-compliance shall not invalidate the action of the Board and shall not form a ground for any motion to the courts or for a mandamus, prohibition, rule or order of 10 the courts in that connection.

5. Section 24 is amended by striking out the word "March," in the second and sixth lines, and substituting the word "April" therefor, and by adding thereto the following, as sub-section "a.:"

Conditions for  
obtaining shop  
license.

(a) No shop license to sell liquors in any store, shop, place 15 or premises where groceries or other merchandise are sold, or exposed for sale, *other than cigars, tobacco and articles for using the same, mineral or aerated waters not containing spirits, ginger ale, liquor cases or liquor baskets, taps or faucets, canes or walking sticks,* or in any store, place or pre- 20 mises connected by any internal communication with such first mentioned store, shop, place or premises, shall hereafter be granted to any person *who is not a licensee or the holder of a shop license at the time of the passing hereof, or to his assigns.* If any other commodity or goods are sold or exposed for sale, *save as* 25 *aforesaid, in any licensed shop, the license shall be void, and such licensed person may be convicted of selling liquor without license upon proof that any other commodity or goods is or are exposed for sale or sold at such shop, save as aforesaid, and such conviction shall be conclusive evidence that such person is un-* 30 *licensed. Nothing in this section shall limit the authority of municipal councils in respect of shop licenses under sections twenty-three and twenty-four of the Liquor License Act. (Dom. Act, s. 75, ss. 2.)*

6. Section 28 is amended by adding thereto the following, as 35 sub-section three :

May be dis-  
pensed with.

(3) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the License District, or where for any other reason the License Commissioners see fit, they may dispense with the report of the 40 Inspector, and act upon such information as may satisfy them in the premises.

7. Section 40 is amended by adding thereto the following words :

"Nor shall the occupant of any such shop, eating-house, sa- 45  
"loon, or house of public entertainment, permit any liquors,  
"whether sold by him or not, to be consumed upon the pre-  
"mises, by any person other than members of his family or his  
"employees."

8. The following shall be read as section 43a of said Act: 50

No sales on  
polling days.

(43a) And no sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling sub-division, on any polling day for or at any Parliamentary Election,

or election of a member for the Legislative Assembly, or any municipal election, *or on any day in which a vote in accordance with the provisions of the Canada Temperance Act, 1878, is being taken*, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning. (Dom. Act, s. 66, ss. 2.)

9. The following shall be substituted for section 52 of the said Act :

(52) For punishment of offences against section forty-three of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty *and not more than forty* dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the said forty-third section, or any part thereof; for the second offence, a penalty against all such of not less than forty *and not more than eighty* dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less *than eighty and not more than one hundred* dollars with costs, or fifty days' imprisonment with hard labour, and for a fourth or any after offence, a penalty against all such of not less than one nor more than three months' imprisonment with hard labour, in the Common Gaol of the County wherein such place or places are.

Penalty for  
contravention  
of sec. 43.

10. Where a prior conviction or convictions have been had, it shall be the duty of the Inspector of Licenses when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence as the case may be.

#### APPEALS.

11. Section 71 is repealed, and the following is substituted therefor :—

(71) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and, except as hereinafter mentioned, against such conviction or order there shall be no appeal.

(2) An appeal shall lie from a conviction to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers, without a jury, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. (R. S. O., c. 181, s. 71, ss. 2.)

Procedure on  
such appeals.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each,

Appellant to  
enter into a  
recognizance,



or deposit  
amount of  
penalty and  
costs.

before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal. (*Ibid.* ss. 3.) 5 10

Justices to  
transmit de-  
positions to  
Clerk of  
County Court.

(4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter, post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the Clerk of the County Court of the county wherein such conviction was had. (*Ibid.* ss. 4.) 15

4 (a.) The appellant shall pay to the Clerk of the County Court, for his attendance and services in connection with such appeal, the sum of one dollar, and the same may be taxed as costs in the cause. 20

Rev. Stat. c.  
73, to apply.

(5) The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. (R. S. O., s. 71, ss. 5.) 25

12. The seventy-second section of the Act is hereby repealed, and the following is substituted therefor:— 30

(72) An appeal by the Inspector of Licenses shall lie to the Court of Appeal from the decision, judgment or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under the Liquor License Act, or any amendments thereto, in which a conviction or order has been quashed, or set aside, upon the grounds of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or upon the grounds that the provisions thereof are not applicable to the case; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days after such judgment, decision or order shall have been made, and, in the case of such appeal, the Clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the Registrar of the Court of Appeal, Toronto, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. 35 40 45

13. The following shall be read as section eighty-seven (a) of said Act. 50

Inspector's  
expenses to be  
allowed for  
attending  
court.

(87a) In any prosecution under this Act, or the Temperance Act of 1864, or the Temperance Act of Ontario, or the second part of the Canada Temperance Act of 1878, if the Inspector of Licenses attends the court as prosecutor or witness and 55



travels to attend such court a distance of more than three miles from his place of residence, it shall be lawful for the justice or justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector of Licenses in attending the said prosecution, as follows :

- (1) In case he travels by railway or stage the fares actually required to be paid by him ; Railway or stage fare.
  - (2) If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls ; Hired conveyance.
  - (3) If in his own conveyance, ten cents per mile one way ; His own conveyance.
  - (4) And to cover all other expenses one dollar per day ; Other expenses.
  - (5) In cases of adjournment at the instance of the defendant similar additional allowances to be made ; when the Inspector is actually in attendance. Adjournments.
- The mileage or other expenses shall be verified by the oath of the said Inspector. Expenses verified by oath.
- (6) The Inspector shall make quarterly returns in detail under oath to the department of the Provincial Secretary, of all sums received by him for mileage, and other expenses, in this section provided for. Inspector shall make quarterly returns.

14. Section 90 is repealed, and the following is substituted therefor :

90. The husband, wife, parent, *child*, brother, sister, *master*, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him or her, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit ; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding fifty dollars, and the person requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than twenty nor more than five hundred dollars, as may be assessed by the Court or jury as damages ; and any married woman may bring such action in her own name, without authorization by her husband ; and all damages recovered by her shall in that case go to her separate use ; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence. (R. S. O., c. 181, s. 90.)
- Husband, wife, &c., may notify sellers of liquor not to furnish it to any person addicted to drinking.
- Liability of persons so notified.
- Married women may bring action for damages.

One bar only. **15.** Not more than one bar shall be kept in any house or premises licensed under this Act. (Dom. Act, s. 65.)

Entrance to hotel separate from bar. **16.** No hotel license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. (Dom. Act. s. 31.)

Penalty for refusing lodging, etc. **17.** Every hotel-keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travelers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding twenty dollars. (Dom. Act, s. 67.)

Licensee not to purchase certain articles, or receive them in pledge. **18.** If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, or furniture, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him or them of the facts, may issue his warrant for the restitution of all such property, and for the payment of costs; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars. (Dom. Act. s. 69.)

Penalty for permitting drunkenness, &c. **19.** If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty not exceeding fifty dollars. (Dom. Act, s. 70.)

Penalty for using prohibited internal communications. **20.** Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding fifty dollars for every day during which such communication remains open. (Dom. Act, s. 73.)

Penalty for allowing liquors to be consumed on the premises by a minor. **21.** Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty not exceeding twenty dollars for every such offence. (Dom. Act, s. 74.)

**22.** If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act. (Dom. Act, s. 77.)

Punishment for allowing liquor to be unlawfully consumed on premises.

**2.** In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. (Dom. Act, s. 77, ss. 2.)

What proof of offence sufficient.

**23** If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say:—

Case of purchaser drinking liquor on premises where bought, &c.

For the first offence he shall be liable to a penalty not exceeding twenty dollars;

First offence.

For a second and any subsequent offence he shall be liable to a penalty not exceeding fifty dollars;

Second or subsequent.

For the purpose of this section the expression “premises where the same is sold” shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. (Dom. Act, s. 89.)

Interpretation.

**2.** Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty not exceeding twenty dollars. (Dom. Act, s. 89, ss. 2.)

Penalty on purchaser in certain cases.

**24.** When not otherwise provided, a third conviction of a licensed person for any violation or contravention of the provisions of *section 43 of the Liquor License Act* shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for two years thereafter. (Dom. Act, s. 125.)

Forfeiture of license on third conviction.

**25.** The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed

What shall be deemed evidence of unlawful sale.



so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of 5 liquor by such person. (Dom. Act, s. 135.)

All questions  
pertinent to  
the issue must  
be answered.

26. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Act, is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answers 10 may disclose facts tending to subject him to any penalty imposed by this Act; but such evidence shall not be used against him in any prosecution instituted under the authority of any Act of the Legislative Assembly of Ontario, or of any by-law or regulation passed under authority thereof. (Dom. Act, 15 s. 139.)

Certain parties may be examined as witnesses.

27. On the trial of any information or complaint under the provisions of this Act the person charged shall be competent and compellable to give evidence as a witness in the said matter. (Dom. Act, s. 140.) 20

28. Nothing in the Liquor License Act, or any Act amending the same, shall apply to any person selling liquor in any refreshment room at the Senate or House of Commons of Canada or House of Assembly of this Province, by the permission and under the control of the Senate, House of Commons or House 25 of Assembly, respectively.

29. This Act shall be read with and as part of the said "Liquor License Act."





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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to improve the Liquor License  
Laws.

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First Reading, February 13th, 1884.

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Mr. HARDY.

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TORONTO

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## An Act to improve the Liquor License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of chapter 181 of the Revised Statutes of Ontario is amended by adding thereto the following: R.S.O., c. 181,  
s. 2, amended.

(5) "License District" shall mean the city, county, union of counties, or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct. "License District."

(6) "Polling sub-division" shall mean the polling sub-division for the last general election for the district for the Legislative Assembly in which the licensed premises or the premises for which a license is sought are situated. "Polling sub-division."

(7) "License Inspector" shall mean an Inspector of Licenses appointed under the *Liquor License Act*. "License Inspector."

(8) The words "liquor" or "liquors" when used in this Act shall have the same meaning as in the said *Liquor License Act*. "Liquor."

2. From and after the first day of January, 1885, sub-section 3 of section 4 of the *Liquor License Act* is repealed and the following is substituted therefor: R.S.O., c. 181,  
s. 4, sub-s. 3,  
repealed.

(3) For declaring that in cities having a population according to the then last Dominion census of less than 15,000, a number not exceeding three persons; a population of between 15,000 and 30,000, a number not exceeding five persons; a population of over 30,000, a number not exceeding ten persons; and in towns having a population of over 6,000, a number not exceeding two persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law. Exemption from having accommodation.

3. Sub-section 3 of section 7, is hereby amended by adding thereto the following: "provided always that the petition or application therefor shall have been filed with the Inspector on or before the first day of April next preceding." Sec. 7 sub-s. 3, amended.

4. The following sub-sections shall be added to section 9 of the said Act: Sec. 9, amended.

(5) The Board of Commissioners shall, on or before the first day of April, fix a day for considering applications Board to fix a day for

considering  
applications."

for licenses, being not less than one week prior to the first day of May in each year, and the Inspector shall publish, in *at least two issues of* a newspaper published in the district, *if there be one published therein*, the date and place of such meeting at least fourteen days before the day of such meeting. The Inspector shall also cause a notice containing similar information to be fixed to or near the outer door of the building in which his office is situated. 5

Notice by  
Inspector  
as to applica-  
tions for  
licenses.

(6) The Inspector shall, *at least fourteen days before the first meeting of the Board to consider applications*, cause to be published in *at least two issues of* some newspaper published in the district, *if there be one published therein*, the name of each applicant for a license, *who is not at the time of the making of such application a licensee under this Act, or who applies for the licensing of premises not then under license*, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, ~~and~~ and also the total number of tavern and shop licenses issued during the current license year, and the total number of applications for the ensuing year. ~~He~~ He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and the same shall be open to the public for inspection without charge. (Dom. Act, s. 15.) 10 15 20

Objections to  
applications  
for license.

(7) It shall be the right and privilege of any ten or more electors of *any* polling sub-division to object by petition, or in any similar manner, to the granting of any license *within such sub-division*. The objections which may be taken to the granting of a license may be one or more of the following: (Dom. Act, s. 17.) 25

As to character of applicant.

(8) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of *one year; or that he has kept, within a period of two years, a place in which the illicit sale of liquors was frequent and notorious*; or— (Dom. Acts 17, s. 1.) 30 35

As to his premises.

(9) That the premises in question are out of repair, or have not the accommodation required *by law*, or reasonable accommodation if the premises be not subject to the said requirements; or— (Dom. Act s. 17, ss. 2.)

As to the neighborhood.

(10) That the licensing thereof is not required in the neighborhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted. (Dom. Act, s. 17, ss. 3.) 40

Hearing objectors.

(11) Any person who has signed a memorial against the granting of a license may be heard in opposition thereto *by himself or his agent*. (Dom. Act, s. 29, ss. 5.) 45



And those authorized by municipalities.

(12) The Council of any city, town or incorporated village, or *township*, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, or *township*, as to the granting of a license, and such person so authorized shall have a right to be heard before the Board against the granting of such license. (Dom. Act, s. 29, ss. 6.) 50

As to objections to character.

(13) *Unless at the instance of the Board*, no objection in respect 55





of the character of any applicant shall be entertained until three days' notice has been given to the applicant.  The notice may be served personally or left at the usual place of residence or business of the applicant. The service may be proved orally or by affidavit sworn before a justice of the peace or a commissioner for taking affidavits.  (Dom. Act, s. 29, ss. 7.)

(14) Notwithstanding anything in this Act contained, the Board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided: in any such case the Board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days in order that any person affected by the objection may have an opportunity of answering the same. (Dom. Act, s. 29, ss. 9.)

Board may notice matters not mentioned by objectors.

Notice to applicant in such cases.

(15) The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that in cases in which the decision of the Board has not been unanimous, or in cases in which the person or persons affected by such decision, petition the Board and allege facts or grounds for their consideration not formerly before them, the Board may by resolution, in which all of the Commissioners concur, decide to re-hear the case.  Where a rehearing is allowed, notice thereof shall be given by the inspector to at least one of the petitioners or his agent.  (Dom. Act, s. 29, ss. 10.)

Decision of Board final.

(16) No license shall be granted to any applicant for premises not then under license or shall be transferred to such premises if a majority of the persons duly qualified to vote as electors in the sub-division at an election for a member of the Legislative Assembly, petition against it, on the grounds hereinbefore set forth, or any of such grounds. In case of any dispute as to whether the number of electors who have signed such petition compose a majority of the said duly qualified electors of the sub-division, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, the clerk of the municipality in which the sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the Board the number of duly qualified electors aforesaid for the sub-division and the number of such electors who have signed the petition, and his certificate shall be final and conclusive. (Dom. Act, s. 32.)

Majority of electors may prevent license.

(17) Any petition against the granting of a license shall be lodged with the Inspector at least four days before the said first meeting of the Board to consider the application; and the Inspector shall present the same to the Board at the first meeting thereof. (Dom. Act, s. 19.)

Time for filing.

(18) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all certificates and petitions lodged with him as aforesaid, and every such petition or certificate shall be open for public inspection without fee. (Dom. Act, s. 20.)

Posting list of petitions, &c.

(19) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board. (Dom. Act, s. 22.)

Hearing and determining objections.

Proceedings  
at hearings.

(20) Every such hearing shall be open to the public, and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices in relation to summary convictions and orders; and any member of the Board may administer the oath, but nevertheless nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application or applications. (Dom. Act, s. 22, ss. 2.) 5 10

Adjourning  
meetings.

(21) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the district. (Dom. Act, s. 22, ss. 3.) 15

Office of  
inspector.

(22) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act. 20

Foregoing  
sub-sections  
declaratory  
only.

(23) The foregoing sub-sections of this section are declared to be obligatory on the Board and Inspector, but non-compliance therewith shall not invalidate the action of the Board or Inspector. Nothing in this sub-section contained shall authorize the granting of a license contrary to the provisions of the aforesaid sixteenth sub-section. 25

R.S.O., c. 181,  
s 19, amended.

5. Section 19 of the *Liquor License Act* is amended by inserting therein, after the words "four bed rooms" in the fifth line thereof, the words "and in cities six bed rooms." This section shall not come into force until the first day of May, 1885. 30

Section 24  
amended.

6. Section 24 of the *Liquor License Act* is amended by striking out the word "March," in the second and sixth lines thereof, and substituting therefor the word "April," and by adding to said section, immediately after the words "may think fit," the following: "And such last-mentioned by-law may be made to come into force on the first day of May then next ensuing, or on the first day of May of the succeeding year, and any such by-law so hereafter to be passed shall not be repealed during the three years next after the year in which the same shall come into force." 35 40

No new shop  
licenses to be  
granted.


(3) No shop license to sell liquors in any store, shop place or premises where groceries or other merchandise are sold or exposed for sale, other than mineral or aerated waters (not containing spirits,) ginger ale, liquor cases, bottles, or liquor baskets, or packages, taps or faucets, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises, shall hereafter be granted to any person who is not a licensee or the holder of a shop license at the time of the passing hereof, or to his assigns. 45 50

License void  
if other goods  
sold.


(4) If any other commodity or goods are sold or exposed for sale, save as aforesaid, in any licensed shop in the preceding sub-section provided for, the license shall be void, and such licensed person may be convicted of selling liquor without 55




license upon proof that any other commodity or goods is or are exposed for sale or sold at such shop, save as aforesaid, and such conviction shall be conclusive evidence that such person is unlicensed. Nothing in this section shall limit the authority  
 5 of municipal councils in respect of shop licenses under sections 23 and 24 of the *Liquor License Act*. All the provisions regarding the closing of licensed taverns and sales, and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after such by-law shall have come into  
 10 force, and to shops which are provided for in the next preceding sub-section. (Dom. Act, s. 75, ss. 2.)

 (5) The aforesaid mineral or aerated waters or ginger ale shall not be sold in less quantities than one-half dozen bottles, and shall not be allowed to be consumed upon the licensed  
 15 premises under the same penalty as is provided for a breach of said section 45 of the said *Liquor License Act*.

Mineral waters not to be consumed upon licensed premises.

 (6) When the council of any municipality have, during the year 1884, passed the by-law secondly provided for in section 24, the said council may in their discretion postpone the  
 20 coming into force of said by-law to a day not later than the first day of May, 1885; but in such case the by-law shall not be repealed for three years from the time the same shall come into force.

Council may postpone coming into force of by-law.

 (7) From and after the first day of May, in the year 1888,  
 25 no shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, except as aforesaid, or in any store, place or premises, connected, by any internal communication, with such first mentioned store, shop, place or  
 30 premises. (Dom. Act, sec. 75, sub-sec. 2.)

Conditions for obtaining shop license.

7. Section 28 is amended by adding thereto the following, as sub-section 3:

R.S.O., c. 181, s. 28, amended.


(3) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the Li-  
 35 cense District, or where for any other reason the License Commissioners see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises.

Report of Inspector may be dispensed with.


8. Section 40 is amended by adding thereto the following  
 40 words:

Section 40 amended.



“Nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, *unless duly licensed*, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members  
 45 of his family or employees, or *guests not being customers*.”

 9. Any society, association or club which has been or shall be formed or incorporated under chapter 167 of the Revised Statutes, and any unincorporated society, association or club which has been or may be formed or carried on specially or  
 50 chiefly for the purpose of selling, bartering, or supplying, or of enabling any such society, association or club to sell, barter or supply liquor to the members thereof, or to others, without a license, under the said *Liquor License Act*, and so as by means



Clubs or societies incorporated under R.S.O., c. 167, not to sell liquors.

of such organization to evade the operations of the said *Liquor License Act*, and any member, officer or servant thereof, or person resorting thereto, who shall sell or barter liquor to any member thereof or to any other person without the license therefor, by the said *Liquor License Act*, or amendments thereto, required, shall be held to have violated section 39 of the said *Liquor License Act*, and shall incur the penalties provided for the sale of liquor without license. 

Keeping of liquor by clubs or societies a violation of sec. 40.

 (2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter, shall be a violation of section 40 of the said *Liquor License Act*. 

Consumption of liquor, evidence of sale.

 (3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association, or society, or person who resorts thereto shall be taken conclusively to be the person who has or keeps therein such liquor for sale or barter; and any liquor found upon such premises shall be liable to seizure in the manner provided by the said *Liquor License Act* and the amendments thereto. 

10. The following shall be read as section 43a of said Act

No sales on polling days.

(43a) And no sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling sub-division, on any polling day for or at any Parliamentary Election, or election of a member for the Legislative Assembly, or any municipal election, or on any day in which a vote in accordance with the provisions of the *Canada Temperance Act, 1878*, is being taken, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning. (Dom. Act, s. 66, ss. 2.)

R. S. O., c. 181, s. 52, repealed.

11. The following shall be substituted for section 52 of the said Act : 35


Penalty for contravention of sec. 43.



52. For punishment of offences against section 43 of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty and not more than forty dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the said section 43, or any part thereof; for the second offence, a penalty against all such of not less than forty and not more than eighty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than eighty and not more than one hundred dollars with costs, or fifty days' imprisonment with hard labour, and such conviction for a third offence shall, in addition to any other punishment by law provided, *ipso facto* operate as a forfeiture of the license held by the person so convicted, and

Second offence.



Third offence.




disqualify him from obtaining a license for two years thereafter. 



 12. Any medical practitioner or justice of the peace who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained, or be lawfully obtained from a chemist or druggist, in quantities of more than six ounces, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall for the first offence be liable to a penalty of not less than 10 ten dollars, nor more than twenty dollars, and for a second or any subsequent offence, of not less than twenty dollars nor more than forty dollars. 

Medical practitioner or justice of the peace not to give a requisition for liquor colourably.



13. Where a prior conviction or convictions have been had, it shall be the duty of the Inspector of Licenses when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence as the case may be,  but an omission by the Inspector to do this shall not invalidate any conviction that may have been obtained. This section shall only apply to convictions for 20 violations of that portion of section 43 of the *Liquor License Act* which prohibits the sale, or other disposal, of liquors in all places where intoxicating liquors are, or may be, sold, from and after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter; but 25 where any prior conviction is for a violation of said section 43, the onus of establishing that it was not for a violation during the said hours from Saturday night until Monday morning, shall lie upon the defendant. 

Inspector to prosecute for second offence where sale on Saturday night and Sunday.



 14. Section 11 of the *Liquor License Act* is hereby 30 amended by adding, after the word "Ontario" in the fifth line, the following words, "The Industrial Exhibition of Toronto."

 15. Section 62 of the *Liquor License Act* is amended by striking out the words "any person," in the third and fourth lines, and substituting therefor, "the License Inspector, or 35 the Board of Commissioners, or the County Attorney." 

Sec. 62 amended.

 16. Section 63 of the said Act is repealed. 

Sec. 63 repealed.

 17. Section 70 of the said Act is amended by striking out the words "in cities," in the first and second lines thereof. 

Sec. 70 amended.

#### APPEALS.

40 18. Section 71 is repealed, and the following is substituted therefor:— Sec. 71 repealed.

71. (1) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police 45 Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and, except as hereinafter mentioned, against such conviction or order there shall be no appeal.

(2) An appeal shall lie from a conviction to the Judge of the 50 County Court of the county in which the conviction is made, sitting in Chambers, without a jury, provided a notice of such

Conviction of justices final and conclusive, except as otherwise provided.

Procedure on appeals.

appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. (R. S. O., c. 181, s. 71, ss. 2.)

Appellant to enter into a recognizance,

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal. (*Ibid.* ss. 3.)

or deposit amount of penalty and costs.

Justices to transmit depositions to Clerk of County Court.

(4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter, post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the Clerk of the County Court of the county wherein such conviction was had. (*Ibid.* ss. 4.)

Clerk's fees.

(5) The appellant shall pay to the Clerk of the County Court, for his attendance and services in connection with such appeal, the sum of one dollar, and the same may be taxed as costs in the cause.

R. S. O., c. 75, to apply.

(6) The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. (R. S. O., s. 71, ss. 5.)


R. S. O., c. 181, s. 72, repealed.

**19.** Section 72 of the said Act is hereby repealed, and the following is substituted therefor:—

Appeal to Court of Appeal.

**72.** An appeal by the Inspector of Licenses, or other prosecutor, shall lie to the Court of Appeal from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under the *Liquor License Act*, or any amendments thereto, in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under the said *Liquor License Act* or any amendments thereto in which the Attorney-General of the Province shall certify that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and shall be obtained,






within fifteen days after such judgment, decision or order shall have been made, and, in the case of such appeal, the Clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the Registrar of the Court of Appeal, Toronto, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. 

20. The following shall be read as section eighty-seven (a) of said Act.

87a. In any prosecution under this Act, or the *Temperance Act of 1864*, or the *Temperance Act of Ontario*, or the second part of the *Canada Temperance Act of 1878*, if the Inspector of Licenses attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, it shall be lawful for the justice or justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector of Licenses in attending the said prosecution, as follows :

- (1) In case he travels by railway or stage the fares actually required to be paid by him ; Railway or stage fare.
- (2) If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls ; Hired conveyance.
- 25 (3) If in his own conveyance, ten cents per mile one way ; His own conveyance.
- (4) And to cover all other expenses one dollar per day ; Other expenses.
- (5) In cases of adjournment at the instance of the defendant similar additional allowances to be made ; when the Inspector is actually in attendance. Adjournments.
- 30 The mileage or other expenses shall be verified by the oath of the said Inspector. Expenses verified by oath.
- (6) The Inspector shall make quarterly returns in detail under oath to the department of the Provincial Secretary, of all sums received by him for mileage, and other expenses, Inspector to make quarterly returns.
- 35 in this section provided for.

 21. (1) "When it shall be made to appear in open court sitting in the county in which he resides, that any person, summoned before such court, by excessive drinking of liquor, mispends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Police Magistrate or justices holding such court, shall, by writing under the hand of such Police Magistrate, or under the hands of two of such justices, forbid any licensed person or persons to sell to him or her any liquor for the space of one year, and such Police Magistrate, justices, or any other two justices, of the county in which the said person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any licensed person or persons of any other city, town or district, to which he resorts or may be likely to resort for the same." (Dom. Act, sec. 92.) 

 (2) Whenever the sale of liquor to any such drunkard shall have been so prohibited, if any other person, with a knowledge Effect of such prohibition.

of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty of not less than ten dollars and not exceeding twenty dollars. (Dom. Act, s. 92, ss. 2.) 5

Penalty for violation of this section.

(3) Any person so prohibited or notified, his servants or agents, who shall violate this section, shall for a first offence be liable to a penalty not exceeding twenty dollars, and for a second, and any subsequent offence, shall be liable to a penalty of not less than twenty dollars and not exceeding fifty 10 dollars.

Application to set aside prohibition or notice.

(4) The person in respect of whom any such notice shall be given, may, at any time while the same is in force, apply to the Judge of the County Court, of the county in which he resides, after having given seven days' notice of his intention 15 so to do to, the police magistrate or justices who signed the said prohibition, or notice, and the County Crown Attorney for the county in which such person resides to set aside such prohibition or notice. The Judge may, upon hearing the said party and any witnesses, either *viva voce* or upon affidavit, 20 set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best. Provided, nevertheless, that before any such prohibition or notice shall be set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or 25 husband), as the case may be, of the person applying, has knowledge of such application and consents thereto.

Judge may set aside prohibition or notice or dismiss application.

Sec. 90 repealed.

22. Section 90 is repealed, and the following is substituted therefor.

Husband, wife, &c., may notify sellers of liquor not to furnish it to any person addicted to drinking.



90. The husband, wife, parent, *child of twenty-one* 30 *years or upwards*, brother, sister, master, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice 35 in writing, signed by him or her, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within 40 twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such 45 liquor is sold, suffers to be delivered, any such liquor to the person having such habit, *he shall incur upon conviction a penalty not exceeding fifty dollars*, and the person requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) 50 recover from the person notified such sum, not less than twenty nor more than five hundred dollars, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case 55 go to her separate use; and in case of the death of either party,

Married woman may bring action for damages.



the action and right of action given by this section shall survive to or against his legal representatives, *but the defendant shall not be liable for both penalties for the same offence.* (R. S. O., c. 181, s. 90.)

5 **23.** Not more than one bar shall be kept in any house or premises licensed under this Act. (Dom. Act, s. 65.) One bar only.

 **24.** No license shall hereafter be granted to or for any ferry boat. The License Commissioners may make regulations regulating the sale of liquor on vessels to which licenses may be issued under their authority during excursions and at other times; such regulations shall in order to their validity be sanctioned by the Lieutenant-Governor in Council.  No license to ferry boat.

**25.** No *tavern* license shall be granted in respect of any house in any city, town or incorporated village *not already licensed*, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. (Dom. Act. s. 31.) Entrance to hotel to be separate from bar.

**26.** Every *tavern* keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travelers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding twenty dollars. (Dom. Act, s. 67.) Penalty for refusing lodging, etc.

**27.** If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or *provisions* either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him *or them* of the facts, may issue his *or their* warrant for the restitution of all such property, and for the payment of costs; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars. (Dom. Act. s. 69.) Licensee not to purchase certain articles, or receive them in pledge.  
  
Restitution may be ordered and enforced.

**28.** If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty of *not less than ten dollars and not exceeding fifty dollars.* (Dom. Act, s. 70.) Penalty for permitting drunkenness, &c.

**29.** Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be Penalty for using prohibited internal communications.

liable to a penalty of *not less than ten dollars and not exceeding fifty dollars* for every day during which such communication remains open. (Dom. Act, s. 73.)

Penalty for allowing liquors to be consumed on the premises by a minor.

**30.** Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description 5 whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of *not less than ten dollars and not exceeding twenty dollars* 10 for every such offence. (Dom. Act, s. 74.)

Punishment for allowing liquor to be unlawfully consumed on premises.

**31.** (1) If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of 15 being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in *any place whether enclosed or not, and whether or not a public* 20 *thoroughfare*, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act. 25 (Dom. Act, s. 77.)

What proof of offence sufficient.

(2.) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken 30 to be consumed thereon or therein with intent to evade the conditions of his license. (Dom. Act, s. 77, ss. 2.)

Case of purchaser drinking liquor on premises where bought, &c.

**32.** (1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such 35 payment of liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say :—

**First offence.** For the first offence he shall be liable to a penalty not exceeding twenty dollars ; 40

**Second or subsequent.** For a second and any subsequent offence he shall be liable to a penalty of *not less than ten dollars and not exceeding* fifty dollars ;

**Interpretation.**

For the purpose of this section the expression “premises 45 where the same is sold” shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. (Dom. Act, s. 89.)

Penalty on purchaser in certain cases.

(2.) Any purchaser of liquors in a house or premises to which 50 a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of *not less than ten dollars and not exceeding* twenty dollars. (Dom. Act, s. 89, ss. 2.) 55

**33.** The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person. (Dom. Act, s. 135.)

What shall be deemed evidence of unlawful sale.

**34.** Section 13 of the twenty-seventh chapter of the Act passed in the forty-fourth year of Her Majesty's reign is hereby amended by inserting therein, immediately after the word "section" which occurs in the first line thereof, the words following, namely, "ninety-two and ninety-three."

All questions pertinent to the issue must be answered.

**35.** (1) Over and above the duties for licenses heretofore imposed by the *Liquor License Act* or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province:—

Additional license duties.

25	1. For each wholesale license .....	\$75 00
	2. For each tavern license in cities .....	60 00
	"                    "      in towns .....	30 00
	"                    "      in incorporated villages ..	20 00
	"                    "      in townships .....	12 00
30	3. For each shop license in cities .....	60 00
	"                    "      in towns .....	30 00
	"                    "      in incorporated villages ..	20 00
	"                    "      in townships .....	12 00
	4. For each vessel license .....	25 00
35	5. For each wine and beer license, one-half of the said additional fee.	

(2) Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the rate-payers, by their by-law to fix the duties or fees upon licenses to the extent provided for by section 32 of the *Liquor License Act*, and the sum so fixed or to be fixed by any municipal council, may be in addition to the sum imposed by this section in and for the respective municipalities above mentioned.

License duties imposed by municipalities.

**36.** The time in which during the present year, 1884, any municipality may require a larger duty to be paid for tavern or shop licenses therein shall be extended until the fifteenth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality in respect to license duties as late as the fifteenth day of April, during the present year.

Time to pass by-laws extended.

**37.** This Act shall be read with and as part of the said "*Liquor License Act*," and may be cited as "*The Liquor License Act, 1884*."

Short title.



No. 59.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to improve the Liquor License  
Laws.

*(Reprinted as amended.)*

First Reading, 13th February, 1884.  
Second " 6th March, 1884.

MT. HARDY.

TORONTO

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674



## An Act to improve the Liquor License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of chapter one hundred and eighty-one of the Revised Statutes of Ontario is amended by adding thereto the following:

(5) "License District" shall mean the city, county, union of counties, or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct. "License District."

(6) "Polling sub-division" shall mean the polling sub-division for the last general election for the district for the Legislative Assembly in which the licensed premises or the premises for which a license is sought are situated. "Polling sub-division."

(7) "License Inspector" shall mean an Inspector of Licenses appointed under the Liquor License Act. "License Inspector."

(8) The words "liquor" or "liquors" when used in this Act shall have the same meaning as in the said Liquor License Act. Meaning of the word "liquor."

2. From and after the first day of January, 1885, the third sub-section of section four of the *Liquor License Act* is repealed and the following is substituted therefor:

(3) For declaring that in cities having a population according to the last Dominion census of less than 15,000, a number not exceeding three persons; a population of between 15,000 and 30,000, a number not exceeding five persons; a population over 30,000, a number not exceeding ten persons; and in towns having a population of over 6,000, a number not exceeding two persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law. "Exemption from accommodation."

3. The third sub-section of section 7, is hereby amended by adding thereto the following: "provided always that the petition or application therefor shall have been filed with the Inspector on or before the first day of April next preceding." Sub-sec. 3 of sec. 7, amended.

4. The following sub-sections shall be added to section 9 of the said Act:

(5) The Board of Commissioners shall, on or before the first day of April, fix a day for considering applications "Board shall fix a day for"

considering applications."

for licenses, being not less than one week prior to the first day of May in each year, and the Inspector shall publish, in a newspaper published in the district, the date and place of such meeting at least fourteen days before the day of such meeting. The Inspector shall also cause a notice containing 5 similar information to be fixed to or near the outer door of the building in which his office is situated.

Notice by Inspector as to applications for licenses.

(6) The Inspector shall cause to be published in some newspaper published in the district, the name of each applicant for a license, *who is not at the time of the making of such application a licensee under this Act, or who applies for the licensing of premises not then under license*, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, at least fourteen days before the first meeting of the Board to consider applica- 15 tions. He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and the same shall be open to the public for inspection without charge. (Dom. Act, s. 15.)

Objections to applications for license.

(7) It shall be the right and privilege of any ten or more 20 electors of any polling sub-division to object by petition, or in any similar manner, to the granting of any license *within such sub-division*. The objections which may be taken to the granting of a license may be one or more of the following: (Dom. Act, s. 17.) 25

As to character of applicant.

(8) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of *one year; or that he has kept, within a period of two years, a place in which the illicit sale of liquors* 30 *was frequent and notorious; or—* (Dom. Act 17, ss. 1.)

As to his premises.

(9) That the premises in question are out of repair, or have not the accommodation required *by law*, or reasonable accommodation if the premises be not subject to the said requirements; or— (Dom. Act s. 17, ss. 2.) 35

As to the neighborhood.

(10) That the licensing thereof is not required in the neighborhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted. (Dom. Act, s. 17, ss. 3.) 40

Hearing objectors.

(11) Any person who has signed a memorial against the granting of a license may be heard in opposition thereto *by himself or his agent*. (Dom. Act, s. 29, ss. 5.)

And those authorized by municipalities.

(12) The Council of any city, town or incorporated village, or of any municipality or parish, may authorize any person to 45 appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, municipality or parish as to the granting of a license, and such person so authorized shall have a right to be heard before the Board against the granting of such license. (Dom. Act, s. 29, ss. 6.) 50

As to objections to character.

(13) No objection in respect of the character of any applicant shall be entertained unless three days' notice has been given to the applicant. (Dom. Act, s. 29, ss. 7.)

Board may notice matters

(14) Notwithstanding anything in this Act contained, the Board may, of their own motion, take notice of any matter or 55

thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided: in any such case the Board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days and not less than seven days, in order that any person affected by the objection may have an opportunity of answering the same. (Dom. Act, s. 29, ss. 9.)

not mentioned  
by objectors.

Notice to ap-  
plicant in such  
cases.

Decision of  
Board final.

(15) The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that *in cases in which the decision of the Board has not been unanimous, or in cases in which the person or persons affected by such decision petition the Board and allege facts or grounds for their consideration not formerly before them*, the Board may by resolution, in which all of the Commissioners concur, decide to re-hear the case. (Dom. Act, s. 29, ss. 10.)

(16) No license shall be granted to any applicant for premises not then under license or shall be transferred to such premises if a majority of the persons duly qualified to vote as electors in the sub-division at an election for a member of the Legislative Assembly, petition against it, on the grounds hereinbefore set forth, or any of such grounds. *In case of any dispute as to whether the number of electors who have signed such petition compose a majority of the said duly qualified electors of the sub-division, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, the Inspector shall make all necessary inquiries, and may take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the Board the number of duly qualified electors aforesaid for the sub-division and the number of such who have signed the petition, and his certificate shall be final and conclusive.* (Dom. Act, s. 32.)

Two-thirds  
majority may  
prevent  
license.

(17) Any petition against the granting of a license shall be lodged with the Inspector at least four days before the said first meeting of the Board to consider the application; and the Inspector shall present the same to the Board at the first meeting thereof. (Dom. Act, s. 19.)

Time for filing

(18) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all certificates and petitions lodged with him as aforesaid, and every such petition or memorial shall be open for public inspection without fee. (Dom. Act, s. 20.)

Posting list of  
petitions, &c.

(19) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board. (Dom. Act, s. 22.)

Hearing and  
determining  
objections.

(20) Every such hearing shall be open to the public, and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices in relation to summary convictions and orders; and any member of the Board may administer the oath, but nevertheless nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing

Proceedings  
at hearings.



*their decision or judgment in respect of any application or applications.* (Dom. Act, s. 22, ss. 2.)

Adjourning  
meetings.

(21) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the district. (Dom. Act, s. 22, ss. 3.) 5

Office of  
inspector.

(22) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act. 10

Foregoing  
sub-sections  
declaratory  
only.

(23) The foregoing sub-sections of this section are declared to be directory only, and for the guidance of the Board and the Inspectors in the conduct of the business of their office, in so far as they may in each particular case be deemed by the Board practicable and applicable. In case of non-compliance therewith or with any part thereof, such non-compliance shall not invalidate the action of the Board and shall not form a ground for any application or motion to the court or for a mandamus, prohibition, rule or order of the court, directing any proceeding to be had, or prohibiting or quashing or varying any proceeding. 15 20

Section 19  
amended.

5. The nineteenth section of the Liquor License Act is amended by inserting therein, after the words "four bed rooms" in the fifth line thereof, the words "and in cities six bed rooms." This section shall not come into force until the first day of May, 1885. 25

Section 24  
amended.

6. Section 24 of the Liquor License Act is amended by striking out the word "March," in the second and sixth lines thereof, and substituting therefor the word "April," and by adding to said section, immediately after the words "may think fit," the following: And such last-mentioned by-law may be made to come into force on the first day of May then next ensuing, or on the first day of May of the succeeding year, and any such by-law so hereafter to be passed shall not be repealed during the three years next after the year in which the same shall come into force. 30 35

No new shop  
licenses to be  
granted.

(3) No shop license to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, other than mineral or aerated waters not containing spirits, ginger ale, liquor cases or liquor baskets, taps or faucets, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises, shall hereafter be granted to any person who is not a licensee or the holder of a shop license at the time of the passing hereof, or to his assigns. 40 45

License void  
if other goods  
sold.

(4) If any other commodity or goods are sold or exposed for sale, save as aforesaid, in any licensed shop in the preceding sub-section provided for, the license shall be void, and such licensed person may be convicted of selling liquor without license upon proof that any other commodity or goods is or are exposed for sale or sold at such shop, save as aforesaid, and such conviction shall be conclusive evidence that such person is unlicensed. Nothing in this section shall limit the authority of municipal councils in respect of shop licenses under sections 50 55



twenty-three and twenty-four of the Liquor License Act. All the provisions regarding the closing of licensed taverns and sales, and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after such by-law shall have come into force, or which are provided for in the

5 next preceding sub-section. (Dom. Act, s. 75, ss. 2.)

(5) The aforesaid mineral or aerated waters or ginger ale shall not be sold in less quantities than one dozen bottles, and shall not be allowed to be consumed upon the licensed premises under the same penalty as is provided for a breach of

Mineral waters not to be consumed upon licensed premises.

10 the said forty-fifth section of the said Liquor License Act.

(6) When the council of any municipality have, during the year 1884, passed the by-law secondly provided for in section twenty-four, the said council may in their discretion postpone the coming into force of said by-law to a day not later

Council may postpone coming into force of by-law.

15 than the first day of May, 1885; but in such case the by-law shall not be repealed for three years from the time the same shall come into force.

(7) From and after the first day of May, in the year 1888, no shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, except as aforesaid, or in any store, place or premises, connected, by any internal communication, with such first mentioned store, shop, place or premises. (Dom. Act, sec. 75, sub-sec. 2.)

Conditions for obtaining shop license.

25 7. Section 28 is amended by adding thereto the following, as sub-section three:

(3) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the License District, or where for any other reason the License Commissioners see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises.

May be dispensed with.

8. Section 40 is amended by adding thereto the following words:

35 "Nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or his employees."

Section 40 amended.

40 9. Any society, association or club which has not been incorporated or which has been or shall be formed or incorporated under the 167th chapter of the Revised Statutes, and any member, officer or servant thereof, or person resorting thereto, who shall sell or barter liquor to any member thereof or to any


Clubs or societies incorporated under c. 167, R. S. O., not to sell liquors.

45 other person without the license therefor by law required, shall be held to have violated the 39th section of the said Liquor License Act, and shall incur the penalties provided for the sale of liquor without license.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter, shall be a violation of section 40 of the said Liquor License Act.

Keeping of liquor by clubs or societies a violation of sec. 40.

Consumption  
of liquor,  
evidence of  
sale.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association, or society, or person who resorts thereto shall be taken conclusively to be the person who has or keeps therein such liquor for sale or barter; and any liquor found upon such premises shall be liable to seizure in the manner provided by the said Liquor License Act and the amendments thereto. 

10. The following shall be read as section 43a of said Act:

No sales on  
polling days.



(43a) And no sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling sub-division, on any polling day for or at any Parliamentary Election, or election of a member for the Legislative Assembly, or any municipal election, or on any day in which a vote in accordance with the provisions of the Canada Temperance Act, 1878, is being taken, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning. (Dom. Act, s. 66, ss. 2.)

11. The following shall be substituted for section 52 of the said Act:


Penalty for  
contravention  
of sec. 43.


(52) For punishment of offences against section forty-three of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty and not more than forty dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the said forty-third section, or any part thereof; for the second offence, a penalty against all such of not less than forty and not more than eighty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than eighty and not more than one hundred dollars with costs, or fifty days' imprisonment with hard labour,



Third offence.



 and such conviction for a third offence shall, in addition to any other punishment by law provided, *ipso facto* operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter. 



Inspector to  
prosecute for  
second offence  
where sale on  
Saturday  
night and  
Sunday.

12. Where a prior conviction or convictions have been had, it shall be the duty of the Inspector of Licenses when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence as the case may be,  but an omission by the Inspector to do this shall not invalidate any conviction that may have been obtained. This section shall only apply to convictions for violations of that portion of section 43 of the Liquor License Act which prohibits the sale, or other disposal, of liquors in all places where intoxicating liquors are, or may be, sold, from and after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter; but

where any prior conviction is for a violation of said section 43, the onus of establishing that it was not for a violation during the said hours from Saturday night until Monday morning, shall lie upon the defendant. 

- 5  **13.** Section 62 of the Liquor License Act is amended by striking out the words "any person," in the third and fourth lines, and substituting therefor, "the License Inspector."  Sec. 62 amended.

-  **14.** Section 63 of the said Act is repealed.  Sec. 63 repealed.

-  **15.** Section 70 of the said Act is amended by striking out the words "in cities," in the first and second lines thereof.  Sec. 70 amended.

#### APPEALS.

**16.** Section 71 is repealed, and the following is substituted therefor :—

- (71) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and, except as hereinafter mentioned, against such conviction or order there shall be no appeal.

- (2) An appeal shall lie from a conviction to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers, without a jury, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. (R. S. O., c. 181, s. 71, ss. 2.)

- (3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal. (*Ibid.* ss. 3.)

- (4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter, post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the Clerk of the County Court of the county wherein such conviction was had. (*Ibid.* ss. 4.)

- (5) The appellant shall pay to the Clerk of the County



Court, for his attendance and services in connection with such appeal, the sum of one dollar, and the same may be taxed as costs in the cause.

Rev. Stat. c.  
75, to apply.

(6) The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. (R. S. O., s. 71, ss. 5.) 5

17. The seventy-second section of the Act is hereby repealed, and the following is substituted therefor:— 10

Appeal to  
Court of  
Appeal.

(72) An appeal by the Inspector of Licenses, or other prosecutor, shall lie to the Court of Appeal from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of, or under the Liquor License Act, or any amendments thereto, in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under the said Liquor License Act or any amendments thereto in which the Attorney-General of the Province shall certify that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and shall be obtained, within fifteen days after such judgment, decision or order shall have been made, and, in the case of such appeal, the Clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the Registrar of the Court of Appeal, Toronto, for use upon the Appeal. The said Court shall thereupon hear and determine the said appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. 35

18. The following shall be read as section eighty-seven (a) of said Act.

Inspector's  
expenses to be  
allowed for  
attending  
court.

(87a) In any prosecution under this Act, or the Temperance Act of 1864, or the Temperance Act of Ontario, or the second part of the Canada Temperance Act of 1878, if the Inspector of Licenses attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, it shall be lawful for the justice or justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector of Licenses in attending the said prosecution, as follows: 40 45

Railway or  
stage fare.

(1) In case he travels by railway or stage the fares actually required to be paid by him;

Hired  
conveyance.

(2) If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls;

His own  
conveyance.  
Other  
expenses.

(3) If in his own conveyance, ten cents per mile one way;



(4) And to cover all other expenses one dollar per day;







(5) In cases of adjournment at the instance of the defendant similar additional allowances to be made; when the Inspector is actually in attendance. Adjournments.



The mileage or other expenses shall be verified by the oath of the said Inspector. Expenses verified by oath.

(6) The Inspector shall make quarterly returns in detail under oath to the department of the Provincial Secretary, of all sums received by him for mileage, and other expenses, in this section provided for. Inspector shall make quarterly returns.

10  19. "When it shall be made to appear in open court that any person, by excessive drinking of liquor, misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the justices holding such court, shall, by writing under the hand of such Police Magistrate, or under the hands of two of such justices, forbid any licensed person to sell to him or her any liquor for the space of one year, and such justices, or any other two justices, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said drunkard by any such licensed person of any other city, town or district, to which the drunkard resorts or may be likely to resort for the same." (Dom. Act, sec. 92.)  Power of Justices to forbid sale of liquor to habitual drunkards.

 (2) Whenever the sale of liquor to any such drunkard shall have been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty of not less than ten dollars and not exceeding twenty dollars. (Dom. Act, s. 92, ss. 2.)  Effect of such prohibition.

30  (3) Any person so prohibited or notified, his servants or agents, who shall violate this section, shall be liable to a penalty for the first offence of a sum not exceeding twenty dollars, and for a second, and any subsequent offence, shall be liable to a penalty of not less than twenty dollars and not exceeding fifty dollars.  Penalty for violations.

 (4) The person in respect of whom any such notice shall be given, may, at any time while the same is in force, apply to the Judge of the County Court, after having given seven days notice of his intention so to do to the police magistrate or justices who signed the said prohibition, or notice, and the County Crown Attorney for the county in which the license district wherein such person resides is situate, to set aside such prohibition or notice. The Judge may, upon hearing the said party and any witnesses, either *vive voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best. Provided, nevertheless, that before any such prohibition or notice shall be set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or husband), as the case may be, of the person applying, has knowledge of such application and consents thereto.  Application to set aside prohibition or notice.

Judge may set aside prohibition or notice or dismiss application.

20. Section 90 is repealed, and the following is substituted therefor :

Husband, wife, &c., may notify sellers of liquor not to furnish it to any person addicted to drinking.

Liability of persons so notified.

Married women may bring action for damages.

One bar only.

No license to ferry boat.

Entrance to hotel separate from bar.

Penalty for refusing lodging, etc.

Licensee not to purchase certain articles, or receive them in pledge.

90. The husband, wife; parent, *child*, brother, sister, *master*, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him *or her*, *or may require the Inspector to give notice* to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, *he shall incur upon conviction a penalty not exceeding fifty dollars*, and the person requiring the notice *to be given* may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than twenty nor more than five hundred dollars, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, *but the defendant shall not be liable for both penalties for the same offence.* (R. S. O., c. 181, s. 90.)

21. Not more than one bar shall be kept in any house or premises licensed under this Act. (Dom. Act, s. 65.)

22. No license shall hereafter be granted to or for any ferry boat.

23. No *tavern* license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. (Dom. Act. s. 31.)

24. Every *tavern* keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travelers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding twenty dollars. (Dom. Act, s. 67.)

25. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, or furniture, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him *or them* of the facts, may issue his warrant for the restitution of all such property, and for the payment of



costs; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars. (Dom. Act. s. 69.)

Restitution may be ordered and enforced.

26. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty of *not less than ten dollars and not exceeding fifty dollars*. (Dom. Act, s. 70.)

Penalty for permitting drunkenness, &c.

27. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty of *not less than ten dollars and not exceeding fifty dollars* for every day during which such communication remains open. (Dom. Act, s. 73.)

Penalty for using prohibited internal communications.

28. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of *not less than ten dollars and not exceeding twenty dollars* for every such offence. (Dom. Act, s. 74.)

Penalty for allowing liquors to be consumed on the premises by a minor.

29. If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, or of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on a public thoroughfare *adjoining the licensed premises*, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act. (Dom. Act, s. 77.)

Punishment for allowing liquor to be unlawfully consumed on premises.

2. In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk on the premises, were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. (Dom. Act, s. 77, ss. 2.)

What proof of offence sufficient.

30. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such

Case of purchaser drinking liquor on

premises where bought, &c. liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say :—

First offence. For the first offence he shall be liable to a penalty not exceeding twenty dollars ; 5

Second or subsequent. For a second and any subsequent offence he shall be liable to a penalty of *not less than ten dollars and not exceeding fifty dollars*;


Interpretation. For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. (Dom. Act, s. 89.) 10

Penalty on purchaser in certain cases. 2. Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of *not less than ten dollars and not exceeding twenty dollars*. (Dom. Act, s. 89, ss. 2.) 15 20

What shall be deemed evidence of unlawful sale. 31. The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person. (Dom. Act, s. 135.) 25 30


All questions pertinent to the issue must be answered. 32. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Act, is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Act ; but such evidence shall not be used against him in any prosecution instituted under the authority of any Act of the Legislative Assembly of Ontario, or of any by-law or regulation passed under authority thereof. (Dom. Act, s. 139.) 35 40



Certain parties may be examined as witnesses. 33. On the trial of any information or complaint under the provisions of this Act the person charged shall be competent and compellable to give evidence as a witness in the said matter. (Dom. Act, s. 140.)

Additional license duties.  34. Over and above the duties for licenses heretofore imposed by the Liquor License Act, or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province :— 45 50



	1.	For each wholesale license .....	\$75 00
	2.	For each tavern license in cities.....	60 00
		“ “ in towns .....	30 00
		“ “ in incorporated villages ..	20 00
5		“ “ in townships.....	12 00
	3.	For each shop license in cities.....	60 00
		“ “ in towns .....	30 00
		“ “ in incorporated villages ..	20 00
		“ “ in townships.....	12 00
10	4.	For each vessel license .....	25 00
	5.	For each wine and beer license, one-half of the said additional fee.	

Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the rate-  
 15 payers, by their by-law to fix the duties or fees upon licenses to the extent provided for by the thirty-second section of the Liquor License Act, and the sum so fixed or to be fixed by any municipal council, may be in addition to the sum imposed by this section in and for the respective municipalities above  
 20 mentioned. 

 **35.** The time in which during the present year, 1884, any municipality may require a larger duty to be paid for tavern or shop licenses therein shall be extended until the  
 25 fifteenth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality in respect to license duties as late as the fifteenth day of April, during the present year. 

License duties  
imposed by  
municipali-  
ties.

Time to pass  
by-laws ex-  
tended.

**36.** This Act shall be read with and as part of the said  
 “Liquor License Act.”

No. 59.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to improve the Liquor License  
Laws.

*(Printed as proposed to be amended in  
Committee.)*

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First Reading,	13th February,	1884.
Second       "	6th March,	1884.

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Mr. HARDY.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend and consolidate the Acts respecting  
Industrial Schools.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. This Act may be cited as "*The Industrial Schools Act.*" Short title.

5 2. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an Industrial School within the meaning of this Act. Industrial School, definition of. R. S. O., c. 213, s. 2.

3. In case the Public School Board of Trustees for any city, or the Separate School Trustees therein, establish an Industrial School, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such Schools, and cause notice thereof to be given to the City Inspector of Public Schools, the said Inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the School, and shall report the said particulars to the Minister of Education; and if the Minister is satisfied with the report of the Inspector, he may, in writing under his hand, certify that the School is a fit and proper one for the reception of children to be sent there, and the School shall thereupon be deemed a certified Industrial School for the purposes of this Act. In cities, examinations by Inspector, report thereon. R. S. O., c. 213, s. 3.

25 4. The notice of the grant of the certificate shall forthwith be given by the Board to the Police Magistrate, and shall likewise be inserted by the Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister of Education for the time being, or his Deputy. Notice of the certificate and evidence thereof. R. S. O., c. 213, s. 4.

5. Any Board of School Trustees may delegate the powers, rights and privileges conferred upon such Board by "*The Industrial Schools Act*" respecting the establishment, control and management of an Industrial School to any philanthropic society or societies incorporated under "*The Ontario Benevolent Societies Act*," and the said society or societies to which such powers are delegated shall have and may exercise all the powers so delegated, and the said Act shall thereafter apply to  
35  
40 Delegation of powers conferred on School Trustees by R. S. O. c. 213.

the said philanthropic society or societies as fully as to the said Boards; provided, nevertheless, that the Chairman and Secretary of the Board of Public School Trustees in the city in which the Industrial School is situated, and the Public School Inspector of the District, shall be members of the Board of Management of said society when acting under powers delegated by the Board of Public School Trustees, and the Chairman and Secretary of the Separate School Board shall be members of the Board of Management, when such society is acting under powers delegated by the Separate School Board. 10

(2) The by-laws of any such society shall be subject to the approval of the Lieutenant-Governor in Council. 46 V. c. 29, s. 1.

Appointment of teachers and general superintendent.

6. The respective School Boards and Philanthropic Societies shall provide the teachers necessary for the Industrial School, and the General Superintendent of the School shall, when practicable, be selected from the teachers so appointed. 46 V. c. 29, s. 1. 15

Certain children under fourteen may be brought before Police Magistrate or Justices.

7. Any person may bring before the the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, any one or two Justices of the Peace, in a separate session, any child apparently under the age of fourteen years, who comes within any of the following descriptions, namely:— 20

(1) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms; 25

(2) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence; 30

(3) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(4) Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an Industrial School under this Act; 35

(5) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life. R. S. O., c. 213, s. 5; 46 V. c. 29, s. 2. 40

(6) Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an Industrial School instead of to a gaol or reformatory. 45

Magistrate to enquire into truth of facts charged.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Magistrate, before issuing his warrant, shall have such child brought before him, and shall, in its presence, take evidence in writing under oath of the facts charged, and shall make reasonable enquiry into the truth thereof. 42 V. c. 39, s. 8. 50



9. If the Judge or Magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified Industrial School ; which order shall be in writing, and shall specify the name of the School, and the time for which the child is to be detained in the School, being such time as to the Judge or Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years. R. S. O., c. 213, s. 6 ; 46 V. c. 29, s. 2. Magistrate may order child to school; requisites of the order.
10. The said School Corporations or Philanthropic Societies may admit into the Industrial Schools established by them, all children apparently under the age of fourteen years, who are committed to the said School by the Judge or Magistrate ; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. R. S. O., c. 213, s. 7 ; 46 V. c. 29, ss. 1, 2. Admission to the schools.  
  
Powers as to instruction and employment.
11. In case an Industrial School is established by the Roman Catholic Separate School Trustees in any city, the Judge or Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an Industrial School belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial School ; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic Separate School claims that the child should be sent to the Industrial School under the said Board of Trustees, or claims that a child in an Industrial School established by the latter should be sent to the Roman Catholic Separate School, the Minister of Education, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the School to which the transfer is to be made are willing to receive the child. R. S. O. c. 213, s. 8 ; 46 V. c. 29, s. 2. Roman Catholic children.
12. A minister of the religious persuasion to which a child appears to belong may visit the child at the School on such days and at such times as may be from time to time fixed by regulations of the Education Department in that behalf, for the purpose of instruction in religion. R. S. O. c. 213, s. 9. Visits by clergymen.
13. The School Corporation, or Philanthropic Society, may permit a child sent to their Industrial School under this Act to live at the dwelling of any trustworthy and respectable person, so that a report is made forthwith to the Minister of Education, in such manner as he thinks fit to require, of every instance in which this discretion is exercised. R. S. O., c. 213, s. 10 ; 46 V. c. 29, s. 1. Children may reside with respectable persons.
14. Any permission for that purpose may be revoked at any time by the School Corporation or Philanthropic Society ; and thereupon the child to whom the permission relates shall be required to return to the school. R. S. O., c. 213, s. 11 ; 46 V. c. 29, s. 1. Revocation of permission to reside out of school.

**Time of absence how calculated.** **15.** The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the permission, he shall be taken back to the school. R. S. O., c. 213, s. 12. 5

**Return to school.** **16.** A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. R. S. O., c. 213, s. 13. 10

**Discharge from school.** **17.** The Minister of Education may at any time order any child to be discharged from a certified Industrial School, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. R. S. O., c. 213, s. 14. 15

**Applications for discharge of children committed under sec. 7.** **18.** In case an application is made to any Court or Judge for the discharge from the said Industrial School of any child committed thereto under the provisions of the seventh section of this Act, notwithstanding any irregularity in or insufficiency of the warrant or other proceedings, no order shall be made for such discharge in case the court or Judge shall deem it for the benefit of such child that it should remain in the said Industrial School, and it shall appear by the depositions taken before the committing Judge or Magistrate that such child was liable to be committed to such Industrial School under the provisions of this Act. 42 V. c. 39, s. 14. 20 25

**Depositions to be delivered to person executing warrant.** **19.** The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his warrant, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the said constable or other person to the superintendent or officer receiving the child into the said Industrial School; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder. 42 V. c. 39, s. 15. 30 35

**Evidence.** **20.** The School Corporation, or Philanthropic Society, may at any time during the period of detention of a child in a school, if he has conducted himself well in the school, bind him, with his own consent, apprentice to any trade, calling or service, and every such binding shall be valid and effectual to all intents. R. S. O., c. 213, s. 15; 46 V. c. 29, s. 1. 40

**Apprenticing.** **21.** The powers thus given to the School Corporation, or Philanthropic Society, in the next preceding section, shall be the same, and for the same term, as those specified in the Act respecting Apprentices and Minors. R. S. O., c. 135. 45

**School Corporation, etc., to have powers granted by R. S. O., c. 135.** **22.** The said School Corporation, or Philanthropic Society, may from time to time make rules for the management and discipline of the certified Industrial School established by the Board or Society, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Education Department; and rules so approved shall not be altered without the like ap- 50

proval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister of Education shall be evidence of the rules of the school. R. S. O., c. 213, s. 16; 46 V. c. 29, s. 1.

5 **23.** On the complaint of the School Corporation, or Philanthropic Society, or of any agent of the School Corporation or Philanthropic Society at any time during the detention of a child in a certified Industrial School, the Judge of the Division Court of the Division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the court, examine into his ability to maintain the child, and the Judge may, if he thinks fit, make an order on such parent, 10 step-parent or guardian for the payment to the School Corporation or Philanthropic Society of such weekly sum, not exceeding one dollar per week, as to the Judge seems reasonable, during the whole, or any part of the time during which the child is liable to be detained in the school, and the said order 20 shall for all purposes be a judgment of the said Division Court. R. S. O., c. 213, s. 17; 46 V. c. 29, s. 1.

Power to order parent, &c., to maintain a child.

**24.** The Judge making such order, or any other Judge holding the said Division Court, may from time to time vary any such order as circumstances require, on the application either of 25 the person on whom the order is made, or of the School Corporation or Philanthropic Society or its agent, on fourteen days notice of the application being first given to the other party. R. S. O., c. 213, s. 18; 46 V. c. 29, s. 1.

Varying the order for maintenance.

**25.** The officers of the Court shall be entitled to charge fees upon proceedings had under the two next preceding sections, 30 according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. R. S. O., c. 213, s. 19.

Costs of order for maintenance.

**26.** In case a child sent by a Judge or Magistrate to an Industrial School has not resided in the city or town for a period of one year, but has resided for that period in some other county, city, or separated town, the School Corporation or Philanthropic Society may recover from the corporation of such county, city, or separated town the expense of maintaining the 40 child; or if the child, although he or she had resided for a period of one year in the city in which the Industrial School is situated, had, since such residence, been resident for a period of one year in some other municipality, the School Corporation or Philanthropic Society may, in like manner, recover the expense 45 of maintenance from the county, city, or separated town in which the child last resided for a period of one year; and the city or town in which the Industrial School is established shall pay a sum of not less than one dollar per week towards the expenses of maintaining each child in the school, whose maintenance is not fully provided for in some other way; and such 50 city or town shall have the power to recover the amount so paid from the parents if able to pay it. R. S. O., c. 213, s. 20; 46 V. c. 29, s. 1.

Liability of other corporations for maintenance according to residence of the child

**27.** If a child sent to a certified Industrial School, and while Apprehension



on escape or  
absence.

liable to be detained there, escapes from the School, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same School there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape. R. S. O., c. 213, s. 21. 5

Minister of  
Education to  
apportion  
grants for  
schools.

**28.** In case any money is granted or provided by the Legislature for the support of Industrial Schools, it shall be the duty of the Minister of Education, and he is hereby empowered, to apportion the money on or before the first day of May, to the several Industrial Schools in the Province, according to the average number of pupils at such school from time to time during the preceding year as compared with the whole average number at the Industrial Schools established under this Act. R. S. O., c. 213, s. 22. 15

Liability to  
inspection;  
the laws that  
govern.

**29.** Industrial Schools established under this Act shall be under the same inspection, and subject to the same laws in all respects, as other schools established by the School Corporation or Philanthropic Society, except so far as may be inconsistent with this Act. R. S. O., c. 213, s. 23; 46 V. c. 29, s. 1. 20

Surrender of  
child to pa-  
rents or other  
persons.

**30** Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or whenever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the Board of School Trustees or Philanthropic Society may discharge said child to the parents or to the party making provision for the care of the child as aforesaid. R. S. O., c. 213, s. 24; 46 V. c. 29, s. 1. 30

Appeal from  
order of  
Minister.

**31.** From any order or decision made hereunder by the Minister of Education, an appeal may within one month after the making thereof be made to the Lieutenant-Governor in Council, and the decision of the Lieutenant-Governor in Council on the matter of appeal shall be final. R. S. O., c. 213, s. 25. 35

Interpreta-  
tion.

**32.** "Philanthropic Society," in this Act, shall mean such philanthropic society incorporated as herein mentioned and approved by the Lieutenant-Governor in Council for the purposes of this Act. 46 V. c. 29, s. 3. 40



## SCHEDULE.

(Section 23.)

[L.S.]

## SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the  
of

Division Court of the County

BETWEEN the Public School Board of the City of

*Plaintiffs,*

and

C. D.

*Defendant.*

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 188\_\_\_\_, at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said \_\_\_\_\_ are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above named plaintiffs, in the City of \_\_\_\_\_.

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ \_\_\_\_\_ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this

day of

A. D. 188 \_\_\_\_.

By the Court,

X\_\_\_\_\_Y\_\_\_\_\_

*Clerk.*

No. 60.

---

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend and consolidate the Acts  
respecting Industrial Schools.

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First Reading, 29th February, 1884.

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Mr. ROSS (*Middlesex*).

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TORONTO:



PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend and consolidate the Acts respecting  
Industrial Schools.


HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. This Act may be cited as "*The Industrial Schools Act.*" Short title.

5 2. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an Industrial School within the meaning of this Act. Industrial School, definition of. R. S. O., c. 213, s. 2.

10 3. In case the Public School Board of Trustees for any city or town, or the Separate School Trustees therein, establish an Industrial School, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such Schools, and cause notice thereof to be given to the City Inspector of Public Schools,  or in case of a Roman Catholic Industrial School then to one of the Inspectors of Separate Schools,  the said Inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the School, and shall report the said particulars to the Minister of Education; and if the Minister is satisfied with the report of the Inspector, he may, in writing under his hand, certify that the School is a fit and proper one for the reception of children to be sent there, and 25 the School shall thereupon be deemed a certified Industrial School for the purposes of this Act. In cities, examinations by Inspector, report thereon. R. S. O., c. 213, s. 3.

4. The notice of the grant of the certificate shall forthwith be given by the Board to the Police Magistrate, and the Judge of the County Court, and shall likewise be inserted by the 35 Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister of Education for the time being, or his 40 Deputy. Notice of the certificate and evidence thereof. R. S. O., c. 213, s. 4.

5. Any Board of School Trustees may delegate the powers, rights and privileges conferred upon such Board by this Act, respecting the establishment, control and management of an Industrial School to any philanthropic society or societies in- 45 corporated under "*The Ontario Benevolent Societies Act,*"  Delegation of powers conferred on School Trustees by R. S. O. c. 213.

under any other Act in force in this Province, and the said society or societies to which such powers are delegated shall have and may exercise all the powers so delegated, and *this* Act shall thereafter apply to the said philanthropic society or societies as fully as to the said Boards; provided, nevertheless, that the Chairman and Secretary of the Board of Public School Trustees in the city or town in which the Industrial School is situated, or under whose control it is placed, and the Public School Inspector of the city or town, shall be members of the Board of Management of said society when acting under powers delegated by the Board of Public School Trustees, and the Chairman and Secretary of the Separate School Board shall be members of the Board of Management, when such society is acting under powers delegated by the Separate School Board.

(2) The by-laws of any such society shall be subject to the approval of the Lieutenant-Governor in Council. 46 V. c. 29, s. 1.

Appointment of teachers and general superintendent.

6. The respective School Boards shall provide the teachers necessary for the Industrial School, and the General Superintendent of the School shall, when practicable, be selected from the teachers so appointed. 46 V. c. 29, s. 1.

Certain children under fourteen may be brought before Police Magistrate or Justices.

7. Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, any one or two Justices of the Peace, any child apparently under the age of fourteen years, who comes within any of the following descriptions, namely:—

(1) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(2) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(3) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(4) Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an Industrial School under this Act;

(5) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life. R. S. O., c. 213, s. 5; 46 V. c. 29, s. 2.

(6) Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an Industrial School instead of to a gaol or reformatory.

Magistrate to enquire into truth of facts charged.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Magistrate, before issuing his order, shall have such child brought before him, and shall, in its presence, take evidence in



writing under oath of the facts charged, and shall make reasonable enquiry into the truth thereof. 42 V. c. 39, s. 8.

9. If the Judge or Magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order  
 5 him to be sent to a certified Industrial School; which order shall be in writing, and shall specify the name of the School, and the time for which the child is to be detained in the School, being such time as to the Judge or Magistrate seems proper for the teaching and training of the child, but not in any case extend-  
 10 ing beyond the time when the child will attain the age of sixteen years. R. S. O., c. 213, s. 6; 46 V. c. 29, s. 2.

Magistrate may order child to school; requisites of the order.

10. The said School Corporations or Philanthropic Societies may admit into the Industrial Schools established by them, all children apparently under the age of fourteen years, who are  
 15 committed to the said School by the Judge or Magistrate; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. R. S. O., c. 213, s. 7;  
 20 46 V. c. 29, ss. 1, 2.

Admission to the schools.

Powers as to instruction and employment.

11. In case an Industrial School is established by the Roman Catholic Separate School Trustees in any city, the Judge or Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an Industrial School  
 25 belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial School; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic Separate  
 30 School claims that the child should be sent to the Industrial School under the said Board of Trustees, or claims that a child in an Industrial School established by the latter should be sent to the Roman Catholic Separate School, the Minister of Education, on being satisfied of the justness of such claim, shall or-  
 35 der a transfer of the child accordingly, provided that the managers of the School to which the transfer is to be made are willing to receive the child. R. S. O. c. 213, s. 8; 46 V. c. 29, s. 2.

Roman Catholic children.

12. A minister of the religious persuasion to which a child appears to belong may visit the child at the School on such  
 40 days and at such times as may be from time to time fixed by regulations of the Education Department in that behalf, for the purpose of instruction in religion. R. S. O. c. 213, s. 9.

Visits by clergymen.

13. The School Corporation, or Philanthropic Society, may permit a child sent to their Industrial School under this Act to  
 45 live at the dwelling of any trustworthy and respectable person; *provided*, that a report is made forthwith to the Minister of Education, in such manner as he thinks fit to require, of every instance in which this discretion is exercised. R. S. O., c. 213, s. 10; 46 V. c. 29, s. 1.

Children may reside with respectable persons.

50 14. Any permission for that purpose may be revoked at any time by the School Corporation or Philanthropic Society; and thereupon the child to whom the permission relates shall be required to return to the school. R. S. O., c. 213, s. 11; 46 V. c. 29, s. 1.

Revocation of permission to reside out of school.

Time of absence how calculated.

Return to school.

What shall be deemed escape from school.

Discharge from school.

Applications for discharge of children committed under sec. 7.

Depositions to be delivered to person executing warrant.

Evidence.

School Corporation, etc., to have powers granted by R. S. O., c. 135.

Rules for management, power to make.

Evidence of.

Power to order



**15.** The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the permission, he shall be taken back to the school. R. S. O., c. 213, s. 12. 5

**16.** A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. R. S. O., c. 213, s. 13. 10

**17.** The Minister of Education may at any time order any child to be discharged from a certified Industrial School, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. R. S. O., c. 213, s. 14. 15

**18.** In case an application is made to any Court or Judge for the discharge from the said Industrial School of any child committed thereto under the provisions of the seventh section of this Act, notwithstanding any irregularity in or insufficiency of the *order* or other proceedings, no order shall be made for such discharge in case the court or Judge shall deem it for the benefit of such child that it should remain in the said Industrial School, and it shall appear by the depositions taken before the committing Judge or Magistrate that such child was liable to be committed to such Industrial School under the provisions of this Act. 42 V. c. 39, s. 14. 20 25

**19.** The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his *order* the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the said constable or other person to the superintendent or officer receiving the child into the said Industrial School; such copy shall be *primâ facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder. 42 V. c. 39, s. 15. 30 35

 **20.** The School Corporation, or Philanthropic Society, may at any time during the period of detention of a child in a school, exercise all the powers conferred by sections 2 and 6 of the Revised Statute, chapter 135, intituled, "*An Act respecting Apprentices and Minors*," upon the charitable societies therein mentioned.  40

**21.** The said School Corporation, or Philanthropic Society, may from time to time make rules for the management and discipline of the certified Industrial School established by the Board or Society, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Education Department; and rules so approved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister of Education shall be evidence of the rules of the school. R. S. O., c. 213, s. 16; 46 V. c. 29, s. 1. 45 50

**22.** On the complaint of the School Corporation, or Philan-



thropic Society, or of any agent of the School Corporation or Philanthropic Society at any time during the detention of a child in a certified Industrial School, the Judge of the Division Court of the Division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the court, examine into his ability to maintain the child, and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the School Corporation or Philanthropic Society of such weekly sum, not exceeding one dollar per week, as to the Judge seems reasonable, during the whole, or any part of the time during which the child is liable to be detained in the school, and the said order shall for all purposes be a judgment of the said Division Court. R. S. O., c. 213, s. 17; 46 V. c. 29, s. 1.

**23.** The Judge making such order, or any other Judge holding the said Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the School Corporation or Philanthropic Society or its agent, on fourteen days notice of the application being first given to the other party. R. S. O., c. 213, s. 18; 46 V. c. 29, s. 1.

**24.** The officers of the Court shall be entitled to charge fees upon proceedings had under the two next preceding sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. R. S. O., c. 213, s. 19.

**25.** In case a child sent by a Judge or Magistrate to an Industrial School has not resided in the city or town in which said school is situated, or to which it is attached for a period of one year, but has resided for that period in some other county, city, or separated town, the School Corporation or Philanthropic Society may recover from the corporation of such county, city, or separated town the expense of maintaining the child; or if the child, although he or she had resided for a period of one year in the city in which the Industrial School is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality, the School Corporation or Philanthropic Society may, in like manner, recover the expense of maintenance from the county, city, or separated town in which the child last resided for a period of one year; and when the child resided for one year last preceding its admission to said school in the city or town in which the Industrial School is situated or to which it is attached, such city or town shall pay a sum of not less than one dollar per week towards the expenses of maintaining each child in the school, whose maintenance is not fully provided for in some other way; and such city or town shall have the power to recover the amount so paid from the parents if able to pay it. R. S. O., c. 213, s. 20; 46 V. c. 29, s. 1.

**26.** If a child sent to a certified Industrial School, and while liable to be detained there, escapes from the School, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and

may be brought back to the same School there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape. R. S. O., c. 213, s. 21.

Minister of Education to apportion grants for schools.

**27.** In case any money is granted or provided by the Legislature for the support of Industrial Schools, it shall be the duty of the Minister of Education, and he is hereby empowered, to apportion the money on or before the first day of May, to the several Industrial Schools in the Province, according to the average number of pupils at such school from time to time during the preceding year as compared with the whole average number at the Industrial Schools established under this Act. R. S. O., c. 213, s. 22. 5 10

Liability to inspection; the laws that govern.

**28.** Industrial Schools established under this Act shall be under the same inspection, and subject to the same laws in all respects as other schools, except so far as may be inconsistent with this Act. R. S. O., c. 213, s. 23; 46 V. c. 29, s. 1. 15

Surrender of child to parents or other persons.

**29.** Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or whenever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the Board of School Trustees or Philanthropic Society may discharge said child to the parents or to the party making provision for the care of the child as aforesaid. R. S. O., c. 213, s. 24; 46 V. c. 29, s. 1. 20 25 30

Interpretation.

**30.** "Philanthropic Society," in this Act, shall mean such philanthropic society incorporated as herein mentioned and approved by the Lieutenant-Governor in Council for the purposes of this Act. 46 V. c. 29, s. 3.

---



(Section 22.)

### SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

BETWEEN the Public School Board of the City of

and

*Defendant.*

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ \_\_\_\_\_ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

By the Court,

*Clerk.*

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend and consolidate the Acts  
respecting Industrial Schools.

*(Reprinted as amended by Committee of  
the Whole House.)*

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First Reading, 29th February, 1884.  
Second " 12th March, 1884.

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Mr. Ross (*Middlesex*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 61.]

## BILL.

[1884.]

An Act to amend the Consolidated Municipal Act,  
1883.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Section five hundred and thirty-two of the "Consolidated  
5 Municipal Act, 1883," is amended by adding the words "town  
or" after the word "incorporated" in the ninth line of said sec-  
tion, and by striking out the words "over one hundred feet in  
width" in said section and inserting the words "over one  
hundred feet in width" after the word "bridges" in the eighth  
10 line of said section.

46 V. c. 18,  
s. 532,  
amended.

700  
No. 61.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to amend the Consolidated Municipal Act, 1883

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First Reading, 6th February, 1884.

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Mr. O'CONNOR.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to Amend the Mechanics' Lien Acts.

**W**HEREAS it is desirable to afford greater protection to the Preamble.  
earnings of the working mechanics, labourers and suppliers of material than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section three of chapter one hundred and twenty of the R. S. O. c. 120,  
Revised Statutes of Ontario, known as "The Mechanics' Lien s. 3 amended.  
Act," is hereby amended by striking out the words "unless there  
10 is an express agreement to the contrary"; and no agreement  
hereafter made shall be held to deprive anyone otherwise entitled to a lien under the said Act or the amendments thereof,  
and not a party to such agreement, of the benefit of such lien,  
but such lien shall attach, notwithstanding such agreement.

15 2. In addition to the particulars which, by section four of  
the said "The Mechanics' Lien Act," are required to be stated Particulars as  
in the verified statement of claim therein provided for, the date to expiry of  
of expiry of the period of credit agreed to by the lien-holder credit to be  
for payment for his work, materials or machinery, where credit given in verified  
20 has been given, shall also be stated, and in the absence of such statement  
date in such verified statement the lien shall cease to exist after of claim made  
the expiration of ninety days after the work has been completed under sect. 4.  
or materials or machinery furnished, unless in the meantime  
proceedings shall have been instituted pursuant to section  
25 twenty-one of the said Act.

3. The affidavit of verification, referred to in said section Affidavit of  
four, may be made by any agent of the person entitled to the verification  
lien, having full knowledge of the facts required to be verified, may be made  
and such affidavit, when made by an agent, shall state that he by agent.  
30 has such knowledge in addition to the facts required by said  
section to be stated.

4. That portion of section five of said Act which follows R. S. O. c. 120,  
the word "discharged," in the fourth line thereof, is hereby s. 5, amended.  
repealed, and the provisions of sections fifteen and sixteen of 45 V. c. 15, ss.  
35 "The Mechanics' Lien Act, 1882," shall apply to all liens now 15 and 16, to  
or hereafter to be registered under either of said Acts; and apply to  
the said section sixteen shall apply where there was a contract all liens.  
for the furnishing of materials or machinery, as well as where  
there was a contract for the execution of work, so as to  
40 charge the contractor for whom the work was done or materials  
or machinery furnished with the cost of registration of dis-  
charges, unless a court or judge otherwise orders.

R. S. O. c. 120,  
s. 6, amended.      **5.** Section six of the "Mechanics' Lien Act" is hereby amended by substituting the word "for" in place of the word "by," where the latter word last occurs in said section.

Sect. 15,  
amended.      **6.** Section fifteen of "The Mechanics' Lien Act" is hereby amended by inserting after the words "on behalf of all the lien-holders of the same class" the words "who shall have registered their liens within thirty days after the commencement of such suit." 5

Sect. 24,  
amended.      **7.** Section twenty-four of "The Mechanics' Lien Act" is hereby amended by striking out the words "certificate of" in 10 the said section.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to Amend the Mechanics' Lien Act.

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First Reading, 6th February, 1884.

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Mr. ERMATINGER.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to Amend the Mechanics' Lien Acts.

WHEREAS it is desirable to afford greater protection to the Preamble-  
earnings of the working mechanics, labourers and suppliers of material than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section three of chapter one hundred and twenty of the R. S. O. c. 120  
Revised Statutes of Ontario, known as "The Mechanics' Lien s. 3 amended.  
Act," is hereby amended by striking out the words "unless there  
10 is an express agreement to the contrary," ~~and~~ and substituting  
therefor the words "unless he signs an express agreement to  
the contrary"; ~~and~~ and no agreement hereafter made shall be  
held to deprive anyone otherwise entitled to a lien under the  
said Act or the amendments thereof, and not a party to such  
15 agreement, of the benefit of such lien, but such lien shall  
attach, notwithstanding such agreement.

2. In addition to the particulars which, by section four of Particulars as  
the said "The Mechanics' Lien Act," are required to be stated to expiry of  
in the verified statement of claim therein provided for, the date credit to be  
of expiry of the period of credit agreed to by the lien-holder given in verifi-  
20 for payment for his work, materials or machinery, where credit ed statement  
has been given, shall also be stated, and in the absence of such of claim made  
date in such verified statement the lien shall cease to exist after under R. S. O.  
the expiration of ninety days after the work has been completed c. 120, s. 4.  
25 or materials or machinery furnished, unless in the meantime  
proceedings shall have been instituted pursuant to section  
twenty-one of the said Act.

3. The affidavit of verification, referred to in said section Affidavit of  
four, may be made by any agent or assignee of the person en- verification  
30 titled to the lien, having full knowledge of the facts required may be made  
to be verified, and such affidavit, when made by an agent, or by agent or  
assignee, shall state that he has such knowledge in addition to assignee.  
the facts required by said section to be stated, ~~and~~ and when  
made by an assignee a copy of the assignment shall be annexed  
35 to such affidavit as well. ~~and~~

4. That portion of section five of said Act which follows R. S. O. c. 120,  
the word "*described*," in the fourth line thereof, is hereby s. 5, amended.  
repealed, and the provisions of sections fifteen and sixteen of 45 V. c. 15, ss.  
"The Mechanics' Lien Act, 1882," shall apply to all liens now 15 and 16, to  
40 or hereafter to be registered under either of said Acts; and apply to  
the said section sixteen shall apply where there was a contract all liens.  
for the furnishing of materials or machinery, as well as where

there was a contract for the execution of work, so as to charge the contractor for whom the work was done or materials or machinery furnished with the cost of registration of discharges, unless a court or judge otherwise orders.

R. S. O. c. 120,  
s. 6, amended.

5. Section six of the "Mechanics' Lien Act" is hereby amended by substituting the word "for" in place of the word "by," where the latter word last occurs in said section. 5



Sect. 15,  
amended.

6. Section fifteen of "The Mechanics' Lien Act" is hereby amended by inserting after the words "on behalf of all the lien-holders of the same class" the words "who shall have registered their liens *before or* within thirty days after the commencement of such suit." 20

Sect. 24,  
amended.

7. Section twenty-four of "The Mechanics' Lien Act" is hereby amended by striking out the words "certificate of" in the said section. 25

Certain liens  
not affected.

8.  Nothing in this Act contained shall in any way interfere with, affect or prejudice the priority of lien for wages to which any mechanic, labourer, or other person is entitled under "The Mechanics' Lien Act, 1882." 

No. 62.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to Amend the Mechanics' Lien Act

First Reading, February 6th, 1884.

Second " " 14th, 1884.

(Reprinted as amended.)

Mr. ERMATINGER.

TORONTO:



## An Act to Amend the Mechanics' Lien Acts.

WHEREAS it is desirable to afford greater protection to the Preamble.  
 earnings of the working mechanics, labourers and suppliers of material than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

1. Section 3 of chapter 120 of the Revised Statutes of R. S. O. c. 120  
 Ontario, known as "*The Mechanics' Lien Act*," is hereby s. 3 amended  
 amended by striking out the words "unless there is an express  
 10 agreement to the contrary," and substituting therefor the  
 words "unless he signs an express agreement to the con-  
 trary"; and no agreement hereafter made shall be held to  
 deprive anyone otherwise entitled to a lien under the said  
 Act or the amendments thereof, and not a party to such  
 15 agreement, of the benefit of such lien, but such lien shall  
 attach, notwithstanding such agreement.


2. In addition to the particulars which, by section 4 of  
 the said "*The Mechanics' Lien Act*," are required to be stated  
 in the verified statement of claim therein provided for, the date  
 20 of expiry of the period of credit agreed to by the lien-holder  
 for payment for his work, materials or machinery, where credit  
 has been given, shall also be stated, and in the absence of such  
 date in such verified statement the lien shall cease to exist after  
 the expiration of 90 days after the work has been completed  
 25 or materials or machinery furnished, unless in the meantime  
 proceedings shall have been instituted pursuant to section  
 21 of the said Act.


3. The affidavit of verification, referred to in said section  
 4, may be made by any agent or assignee of the person en-  
 30 titled to the lien, having full knowledge of the facts required  
 to be verified, and such affidavit, when made by an agent, or  
 assignee, shall state that he has such knowledge in addition to  
 the facts required by said section to be stated. Affidavit of  
 verification  
 may be made  
 by agent or  
 assignee.

4. That portion of section 5 of said Act which follows R. S. O. c. 120,  
 35 the word "*described*," in the fourth line thereof, is hereby s. 5, amended.  
 repealed, and the provisions of sections 15 and 16 of "*The*  
*Mechanics' Lien Act, 1882*," shall apply to all liens now  
 or hereafter to be registered under either of said Acts; and  
 the said section 16 shall apply where there was a contract  
 40 for the furnishing of materials or machinery, as well as where  
 there was a contract for the execution of work, so as to  
 charge the contractor for whom the work was done or materials  
45 V. c. 15, ss.  
 15 and 16, to  
 apply to  
 all liens.



or machinery furnished with the cost of registration of discharges, unless a court or judge otherwise orders.

R. S. O. c. 120, **5.** Section 6 of "*The Mechanics' Lien Act*" is hereby  
 s. 6, amended. amended by substituting the word "for" in place of the word  
 "by," where the latter word last occurs in said section. 5

Sect. 15,  
 repealed.  **6.** Section 15 of "*The Mechanics' Lien Act*" is hereby  
 repealed and the following substituted therefor:—

Suits by lien  
 holders. **15.** Any number of lienholders may join in one suit and all  
 suits brought by a lienholder shall be taken to be brought on  
 behalf of all the lienholders of the same class who shall have 10  
 registered their liens before or within 30 days after the com-  
 mencement of such suit, or who shall within the said 30 days  
 file in the office from which the writ issued a statement of their  
 respective claims; and in the event of the death of the plaintiff  
 therein, or his refusal or neglect to proceed therewith, may by 15  
 leave of the court in which the suit is brought, on such terms  
 as may be deemed just and reasonable, be prosecuted and con-  
 tinued by any other lienholder of the same class who shall  
 have registered his lien or filed his claim in the manner and  
 within the time above limited for that purpose.  20

Sect. 24,  
 amended. **7.** Section 24 of "*The Mechanics' Lien Act*" is hereby  
 amended by striking out the words "certificate of" in the said  
 section.

Certain liens  
 not affected. **8.**  Nothing in this Act contained shall in any way  
 interfere with, affect or prejudice the priority of lien for wages 25  
 to which any mechanic, labourer, or other person is entitled  
 under "*The Mechanics' Lien Act, 1882.*" 



BILL.

An Act to amend the Mechanics' Lien Act.

*(Reprinted as amended.)*

First Reading,	6th February,	1884.
Second "	14th "	1884.

MR. ERMATINGER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section eight of section four hundred and ninety of the 46 V. c. 18,  
5 "Consolidated Municipal Act, 1883," is hereby amended by s. 490, sub-s. 8,  
adding the following words after the word "belonged" in the amended.  
tenth line of said sub-section, "and every part of the land so  
appropriated shall be enclosed by walls or sufficient fences to  
be constructed by the municipality acquiring the said land."
- 10 2. Section four hundred and ninety-six of said Consolidated Sec. 496  
Municipal Act is hereby amended by inserting the following amended.  
sub-section after sub-section sixteen of the said section:—
- (16a) For regulating the erection of buildings, and prevent- Regulating  
ing the erection of wooden buildings or additions thereto, and buildings and  
15 wooden fences in specified parts of the city, town or village; fences.  
and also for prohibiting the erection or placing of buildings,  
other than with main walls of brick, iron or stone, and roofing  
of incombustible material, within defined areas of the city,  
town or village, and for authorizing the pulling down or re-  
20 moval, at the expense of the owner thereof, of any building or  
erection which may be constructed or placed in contravention  
of any by-law.
3. Sub-section six of section five hundred and four of said Sec. 504, sub-s.  
Consolidated Municipal Act is hereby repealed. 6, repealed.
- 25 4. Sub-section six of section five hundred and seventy of Sec. 570, sub-s.  
said Consolidated Municipal Act is hereby repealed, and the 6, repealed,  
following substituted therefor:— and new  
sub-section  
substituted.
- (6) The engineer or surveyor, in assessing the real property  
to be benefited by any works to be executed under this section,  
30 shall confine his assessment to the part of a lot actually  
drained.
5. Sub-section two of section five hundred and eighty-four, Sec. 584, sub-s.  
of said Consolidated Municipal Act is hereby repealed, and the 2, repealed,  
following substituted therefor:— and new  
sub-section  
substituted.
- 35 (2) Any such municipality neglecting or refusing so to do,  
upon reasonable notice in writing being given by at least one-  
fourth in number of the parties interested therein, shall be  
compellable by mandamus, to be issued by any Court of com-  
petent jurisdiction, to make from time to time the necessary  
40 repairs to preserve and maintain the same; and shall be liable  
for pecuniary damage to any person who or whose property is  
injurious affected by reason of such neglect or refusal.

No. 63.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 6th February, 1884.

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Mr. BALFOUR.

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TORONTO.

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act Respecting Underdrainage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. When it is necessary that an open ditch or underdrain should be made as an outlet to any underdrainage made either by private funds, or by funds obtained under the provisions of "The Ontario Tile Drainage Act," passed in the forty-first year of Her Majesty's reign, and chaptered nine, or by funds obtained under the provisions of "The Ontario Stone and Timber Drainage Act," passed in the forty-second year of Her Majesty's reign, and chaptered eight, every such aforementioned open ditch or underdrain shall be continued to a proper outlet, so that no lands will be overflowed or flooded through or by the construction of any such open ditch or underdrain, and it shall be lawful to construct such open ditch or underdrain through any adjoining lot or lots, or any number of lots, whether adjoining or not, and across or along any public highway, until a proper outlet is reached, although such outlet may be in an adjoining municipality.

2. In the case of owners of lands, whether adjoining or not, through whose lands such open ditch or underdrain requires to be constructed, and made as an outlet for the aforementioned underdrainage, and whose lands would be benefited thereby, and in the case of a municipality where a road or roads would also be benefited, the several owners and the municipality shall be liable to make a just and fair proportion of such open ditch or underdrain, according to their several interests in the construction of the same, and such open ditch or underdrain shall be kept and maintained by the several owners respectively, (and the municipality, if made liable for such construction) and their successors in such ownership, in such proportion as they were liable for the original construction; unless in consequence of altered circumstances on account of any party requiring the use of such open ditch or underdrain after the completion thereof, the proportion of the original cost and maintenance that any such person shall be liable for shall be determined by the engineer, as hereinafter provided.

3. The proceedings to be taken by any person or persons for the making, opening and constructing of any open ditch or underdrain, as an outlet for any underdrainage mentioned in the two preceding sections, shall be taken and proceeded with under the provisions of "The Act Respecting Ditches and Water-courses," passed in the forty-sixth year of Her Majesty's

Outlet for underdrainage may be made through any number of lots.

Several owners to make a just and fair proportion of ditch or drain.

Sections 4 to 21, of 46 V. c. 27 to apply to this Act.

reign and chaptered twenty-seven, and sections four to twenty-one inclusive of the said Act, shall be read and construed as part of this Act.

43 V. c. 6 s. 1  
and 46 V. c. 18,  
s 593 repealed.

4. Section one of the Act passed in the forty-third year of Her Majesty's reign and chaptered six, and section five hundred and ninety-three of the "Consolidated Municipal Act, 1883," are hereby repealed; but all proceedings taken, and works commenced thereunder, may be continued to completion, as if this Act had not been passed. 5

No. 64.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting Underdrainage.

First Reading, February 6th, 1884.

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend the Act respecting the Expenditure  
of County Funds, in certain cases.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section seven of chapter eighty-five of the Revised  
5 Statutes of Ontario, is hereby repealed, and the following sub-  
stituted in lieu thereof :—

R. S. O. c. 85,  
s. 7, repealed,  
and new sec-  
tion substi-  
tuted.

7. Such of the said accounts and demands as have been  
so delivered shall be audited by a Board of Audit, composed of  
the Judge, or Junior or Acting Judge, of the County Court, and  
10 two other persons, who shall be appointed for that purpose by  
the County Council of such county or union of counties, not  
more than one of such persons being a member of the County  
Council for the time being, and shall hold office during the  
pleasure of such County Council; and such accounts and  
15 demands shall be taken into consideration by the said Board of  
Audit between the first and fifteenth day of the said month of  
January, April, July and October, in each and every year, and  
disposed of as soon as practicable; and the said Board shall, at  
the completion of the October audit, make a report to the  
20 Council of the county or union of counties, as the case may be,  
of any irregularity in the accounts presented to them by over-  
charging, or of any claim that may be made contrary to law, or  
any other matter which the auditors may consider ought to be  
brought under the notice of the Council.

Accounts,  
how and when  
audited.

Auditors to  
hold office dur-  
ing pleasure.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act respecting the  
Expenditure of County Funds, in certain  
cases.

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First Reading, 6th February, 1884.

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Mr. WATERS.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act respecting the Expenditure  
of County Funds, in certain cases.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 7 of chapter 85 of the Revised Statutes of Ontario,  
5 is hereby repealed, and the following substituted in lieu  
thereof :—

R. S. O. c. 85,  
s. 7, repealed,  
and new sec-  
tion substi-  
tuted.

7. Such of the said accounts and demands as have been  
so delivered shall be audited by a Board of Audit, composed of  
the Judge, or Junior or Acting Judge, of the County Court, and  
10 two other persons, who shall be appointed for that purpose by  
the County Council of such county or union of counties, not  
more than one of such persons being a member of the County  
Council for the time being, and shall hold office during the  
pleasure of such County Council ; and such accounts and  
15 demands shall be taken into consideration by the said Board of  
Audit between the first and fifteenth days of the said months of  
January, April, July and October, in each and every year, and  
disposed of as soon as practicable ; and the said Board shall, at  
the completion of the audit, *so to be made in the month of*  
20 *October*, make a report to the Council of any irregularity in  
the accounts presented to them, or of any claim that may be  
made contrary to law, or of any other matter which the auditors  
may consider ought to be brought under the notice of the  
Council.

Accounts,  
how and when  
audited.

Auditors to  
hold office dur-  
ing pleasure.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Act respecting the  
Expenditure of County Funds, in certain  
cases.

First Reading,	6th February,	1884.
Second     "	22nd       "	1884.

*(Reprinted as amended.)*

MR. WATERS.

TORONTO :

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section five hundred and thirty-five of "*The Consolidated Municipal Act, 1883*," is hereby amended by striking out all the words after the word "respectively," in the eighth line, and substituting the following therefor: "And, in case the Councils of such county and city, or the Councils of such counties, fail to agree as to the erection and construction of such bridge or bridges, the proceedings to be taken shall be as hereinafter provided."

46 V. c. 18, s. 535, amended.

(1) In the case of a bridge over a river or stream forming a boundary line (or over a river crossing a boundary line), between two municipalities, within the county, (and not being the county boundary line), the Council of any one of the municipalities interested in the erection of the aforementioned bridge may petition the Council of the county to erect such bridge. If the Council of the county refuse to grant the prayer of the petition, then it shall be the duty of the Council which petitions, and also of the County Council, to appoint arbitrators under the provisions of the said Municipal Act, and the arbitrators shall have full power to determine if it is necessary for the public interest that the said bridge should be erected, and, if the erection is determined upon, the arbitrators shall fix the time within which it is to be completed, but the County Council shall determine as to the material of which the bridge is to be built, and the cost of the same, and the award so made shall be final, subject to appeal.

Erection of bridges between two municipalities within same county.

If county refuse to build, matter to be settled by arbitration.

(a) In the event of the arbitrators deciding against the erection of the aforesaid bridge, no further proceedings shall be taken (by any of the Councils interested) for the term of two years, or such other time as the arbitrators may determine upon, not exceeding four years, but at the expiration of such term any one of the Councils may again proceed by petition to the County Council, as if an award had not been made.

If the arbitrators decide against erection no further proceedings.

(2) In the case of a bridge over a river or stream forming a boundary line (or of a bridge over a river crossing a boundary line), between two counties, or a county and city, the Council of any one of the municipalities having jurisdiction in the premises may pass a by-law providing for the construction of the aforesaid bridge, and setting forth in such by-law, in the first place, the public necessity that exists to justify the erection of such bridge; secondly, the site or locality where such

Any one of the Councils may pass a by-law for the erection of bridge.

Notice to  
other municipi-  
palities.

bridge is to be built; thirdly, the kind of material to be used in the construction; fourthly, the proportion of the cost of construction to be borne by the municipality; and, fifthly, the time within which the bridge is to be completed. The Council passing such by-law shall cause a copy of the same to be forwarded to the clerk of each of the other municipalities (if more than one), having joint jurisdiction in the premises, and such by-law shall have no force until a by-law has been passed in similar terms as nearly as may be by the other Council or Councils. 5 10

If Councils fail  
to agree, arbi-  
tration to fol-  
low.

(a) In case the other Council or Councils, for six months after receiving the copy of the by-law, omit or refuse to pass a by-law in similar terms, or to pass a by-law agreeing to one or more of the provisions of the first-mentioned by-law, then, in either of such cases, the matters in dispute shall be referred to arbitration under the provisions of the said Municipal Act respecting arbitrations, and the arbitrators shall proceed and determine as follows:— 15

Powers of  
arbitrators.

(b) When the Council or Councils who receive the copy of the first-mentioned by-law, and omit to pass a similar or any by-laws, the arbitrators shall have the power to decide and determine upon all the provisions of the first-mentioned by-law, or, if the Council or Councils instead of passing a similar by-law, pass a by-law agreeing to one or more of the provisions contained in the first-mentioned by-law, then, in such case, the by-law shall be binding upon the municipality to the extent of the provisions agreed upon, and the arbitrators shall have the power to decide and determine upon the provisions not agreed to, and the award so made shall be final, subject to appeal. 20 25 30

The provisions  
of the by-law  
agreed upon  
shall be bind-  
ing.

If bridge de-  
cided against,  
municipality  
to take no fur-  
ther action.

(c) If the arbitrators decide against the erection of the bridge no further proceedings shall be taken by any of the Councils (having jurisdiction in the premises), for the period of two years, or such further time as the arbitrators may determine upon, but not exceeding four years; but, at the expiration of such term, any one of the Councils may again take proceedings for the erection of any such bridge as if no award had been made. 35

Section 580  
amended.

3. Section five hundred and eighty of the said Act is hereby amended by adding the following sub-section thereto:— 40

Appeal by  
Council of  
municipality  
in which  
drainage is to  
be commenced.

(1) The Council of the municipality in which the deepening or drainage is to be commenced, within twenty days from the day upon which a copy of the report, plans, specifications, assessments and estimates of the engineer or surveyor was served upon the head of the municipality into which the deepening or drainage is to be continued, or whose lands or roads are to be benefited, may appeal against the assessment made by the said engineer or surveyor; and, in such case, they shall serve upon the head of the corporation receiving the report and other documents aforesaid, a written notice of appeal; such notice shall state the grounds of appeal, and shall request such corporation to appoint an arbitrator on their behalf within ten days after the service of such notice. 45 50

Each of the  
Councils shall  
hold a Court of

(2) The Council of each of the municipalities shall, not earlier than twenty nor later than thirty days from the 55

day on which the right of appeal terminated, if no appeal is made, or if an appeal is made, then from the day on which the appeal is finally decided, hold a court of revision for the trial of complaints respecting the assessment as made by the engineer or surveyor on each lot or portion of lot, road or portion of road, within the municipality; and the proceedings to be taken shall be under the authority conferred by sub-sections eleven, twelve, thirteen, fourteen, fifteen and sixteen of section five hundred and seventy of the said Act.

Revision for trial of complaints.

- 10 (3) In the event of any one of the municipalities appealing against the assessment so made, and after it has been finally decided and determined upon to change or alter such assessment by reducing the assessment of one municipality and adding the amount reduced to the assessment of the other, then in every such case the clerk of each municipality affected by the change shall, before the sitting of the Court of Revision, prepare a list of the lots or portion of lots, roads or portion of roads, within the municipality, corresponding with the assessment as made by the engineer or surveyor, and shall upon each lot or portion of lot, road or portion of road, add or deduct (as the case may be) the proportion of the total amount (as so deducted or added, by the arbitrators in final court of appeal, as the case may be) in the same proportion as the original assessment as made by the engineer or surveyor, and the same shall be dealt with as if no change had been made in the original assessment.

Mode of procedure when assessment is changed.

4. Section two hundred and sixty-one is hereby amended by adding the following thereto :

Section 261 amended.

- 30 And if instructed by the Council shall examine and report upon all accounts affecting the corporation for the then current year, and in the examination of all accounts of the past or then current year, on all debentures, coupons, or receipts which may be presented by the Treasurer as vouchers for moneys paid by him, and which shall be passed and accepted as correct and satisfactory, the auditors shall write diagonally across the face thereof, with red ink, the word "cancelled," with their signatures attached thereto.

Auditors to audit accounts of current year if instructed by the Council.

5. The said Act is hereby further amended by adding the following section thereto :—

- 40 67a. The Council of any county may before the first day of July in any year pass a by-law to reduce the number of deputy reeves, so that there shall be one deputy reeve for eight hundred freeholders and householders in the municipality possessing the same property qualification as voters; every such by-law must have a majority of the members of the Council voting in favour of it, and the aforesaid by-law may be repealed three years after the passing thereof, but not sooner, and every such repealing by-law must be carried by a majority of the members of the Council.

Deputy Reeve for each 800 qualified voters.

- 50 (1) After the passing of such by-law the Clerk of the County Council shall, within ten days, serve upon the clerks of the minor municipalities a copy of such by-law.

Copy of by-law to be sent to the minor municipalities

(2) After the passing of any such by-law by the Council of a County, the following sections of the said Municipal Act, and

The number "800" substituted for



"500," in sections 66, 67, 69, 70, 71. numbered sixty-six, sixty-seven, sixty-nine, seventy and seventy-one, shall be read and considered amended (for the purpose of giving effect to such by-law) by substituting the number "eight hundred" for the number "five hundred" wherever the latter number occurs in the aforesaid sections, and shall be construed accordingly as long as the by-law is unrepealed. 5

1st Session, 5th Legislature, 47 Vic., 1881.

# BILL.

An Act to amend the Municipal Act.

First Reading, 6th February, 1884.

MR. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Act respecting Ditches and Watercourses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of The Ditches and Watercourses Act, 1883, 46 V. c. 27, is hereby amended by adding the following sub-section thereto:—

(1) Every such aforementioned ditch, or drain, shall be continued to a proper outlet, so that no lands will be overflowed, or flooded, through, or by the construction of any such ditch or drain, and it shall be lawful to construct such ditch, or drain, through one or any number of lots until the proper outlet is reached.

Proper outlet must be reached.

2. Section six of the said Act is hereby amended by adding the following sub-section thereto:—

Sec. 6, amended.

(1) If the engineer is unable to attend at the time mentioned in the aforementioned requisition, then at such other time as he may appoint not later than twenty days from the filing of the requisition with the clerk of the municipality, and the owner filing the requisition shall again (at least four clear days before the time appointed by the engineer) serve upon all the persons named in the requisition the notice (Form D.), requiring their attendance at the time and place mentioned therein, provided that if the owner filing the requisition prefers, such owner may not serve the notices upon the several owners mentioned in the requisition until the clerk of the municipality ascertains from the engineer the time that the said engineer can attend.

Proviso in case the engineer cannot attend at time mentioned in requisition.

No. 67.

1st Session, 5 Legislature, 47 Vic. 1884.

BILL.

An Act to amend the Act respecting Ditches  
and Watercourses.

First Reading, 6th February, 1884.

MR. WATERS.

TORONTO


PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Act respecting Ditches and Watercourses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Ditches and Watercourses Act, 1883*, <sup>46 V. c. 27,</sup> is hereby amended by adding the following sub-section <sup>s. 3, amended.</sup> thereto:—

(2) Every such aforementioned ditch, or drain, shall be continued to a proper outlet, so that no lands will be overflowed, or flooded, through, or by the construction of any such ditch or drain, and it shall be lawful to construct such ditch, or drain, through one or any number of lots until the proper outlet is reached. <sup>Proper outlet must be reached.</sup>

 2. Section 15 of the said Act is hereby repealed and the following substituted therefor:— <sup>Sec. 15, repealed.</sup>

15 15. The council shall at their meeting next after the filing of the certificate or certificates mentioned in the preceding section, pay to the engineer his additional fees therein mentioned, and forthwith thereafter may pay to every person the amount which, according to any such certificate, he is entitled to receive for any work mentioned in said next preceding section, and thereafter the said council shall, unless the amount or amounts named in the said certificate or certificates including such additional fees, is forthwith paid by the respective parties declared in said certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with ten per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as any other municipal taxes, and when collected shall <sup>Payment of amount due to engineer and other persons.</sup> be paid over to the party or parties entitled thereto. ~~and~~

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Act respecting Ditches  
and Watercourses.

(*Reprinted as amended.*)

First Reading, 6th February, 1884.

Second " 11th March, 1884.

MT. WATERS.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.



No. 68.]

## BILL.

[1884.

An Act to enable Widows and Unmarried Women to  
vote at Municipal Elections.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. "The Consolidated Municipal Act, 1883," passed in the Municipal Act  
5 forty-sixth year of Her Majesty's reign, and chaptered eighteen, amended.  
is hereby amended by adding thereto the following:—

(79a) All Widows and Unmarried Women, of the full age Widows and  
of twenty-one years, and who are rated in the revised assess- Unmarried  
ment roll of the municipality upon which the voters' list used Women to be  
10 at the election is based, at an amount equal to what is required, entitled to  
to qualify male voters, shall have the right to vote at all muni- vote.  
cipal elections, either as freeholders, householders, tenants, or  
income voters, and their names shall be entered upon the voters'  
list, and they shall be subject to all the provisions of the afore-  
15 mentioned Act respecting electors and their qualifications.

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to enable Widows and Unmarried  
Women to vote at Municipal Elections.

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First Reading, 6th February, 1884.

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Mr. WATERS.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

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No. 69.]

## BILL.

[1884.]

An Act to amend The Consolidated Municipal Act,  
1883.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Section 532 of The Consolidated Municipal Act, 1883, is <sup>46 V. c. 18. s.</sup> hereby amended by striking out the words "and over all bridges <sup>532 amended.</sup>  
crossing streams or rivers one hundred feet in width within  
the limits of any incorporated village in the county and con-  
necting any highway leading through the county," occurring in  
the seventh, eighth, ninth, and tenth lines of the said section.
- 10 2. Section 534 of the said Act is hereby amended by striking <sup>Section 534</sup>  
out all the words after the word "manner" in the sixth line of <sup>amended.</sup>  
the said section.

134  
No. 69.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Consolidated Municipal Act, 1883.

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First Reading, 7th February, 1884.

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Mr. LEES.

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TORONTO:

PRINTED by THE "GRIP" PRINTING AND PUBLISHING CO.



No. 70.]

## BILL.

[1884.

### An Act to amend the Municipal Act.

WHEREAS it is desirable that the property qualification <sup>Preamble.</sup>  
for Reeves, Deputy-Reeves, and voters respectively, in  
incorporated villages and townships should be made uniform for  
municipal purposes ;

5 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section seventy-three of "*The Consolidated Municipal*, <sup>46 V. c. 18, s.</sup>  
*Act, 1883*," is hereby amended by substituting for sub-sections <sup>73 amended.</sup>  
10 (1) and (4) of the said section a new sub-section as follows :

(1) In incorporated villages and townships—freehold to four  
hundred dollars, or leasehold to eight hundred dollars.

2. Section eighty of the said Act is hereby amended by in- <sup>Sec. 80</sup>  
serting after the words "in townships," the words "and in- <sup>amended.</sup>  
15 corporated villages," and by striking out the words "In incorpor-  
ated villages—\$200."

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 8th of February, 1884.

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MR. ERMATINGER.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend "An Act to give to Mortgagees certain powers now commonly inserted in mortgages."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No proceedings under this Act or otherwise shall be taken or had, nor shall any costs be incurred, after the service of the notice, pursuant to the proviso in that behalf contained in any mortgage, of the mortgagee's demand of payment and of his intention to exercise the power of sale contained in any mortgage until the time limited for such payment, according to such mortgage, demand and notice, shall have elapsed.

Proceedings under power of sale not to be taken until time limited by notice has elapsed.

2. Upon payment of the mortgage and interest, or any part of either of the same, or any sum on account thereof, which the mortgagee may be willing to receive, to stay proceedings, no further costs or expenses shall be made or incurred, and the mortgagee, his solicitor, or agent, shall, upon the request of the mortgagor or owner of the equity of redemption, or any subsequent incumbrancer, deliver a bill of the costs, charges and expenses, which may have been incurred, according to the Superior or County Court tariff in force, as of the amount involved.

No costs to be incurred after payment of amount required to stay proceedings.

3. Either party may as of right, upon giving four days' notice to the opposite party, have the said bill of costs, charges and expenses, taxed by the proper taxing officer of the county in which the said mortgaged lands are situated, subject to a revision thereof, according to the practice of the court wherein such taxation may have been had, and unless the said costs, charges and expenses, are fixed within twenty days after such taxation or revision, the mortgagee's solicitor may sue out execution in the proper court, obtaining an order for the payment thereof, or the proceedings had and taken under the said mortgage, may be resumed and proceeded with to enforce payment of such taxed costs.

Taxation of costs.

4. When such demand and notice call in payment of full principal and interest for default of part only, no other proceedings, excepting ejectment, shall be taken, and the mortgagee or his assigns must accept payment as demanded.

Proceedings after demand of payment for default of part only.

5. Section eleven of the said Act is hereby repealed.

42 V. c. 20, s. 11, repealed.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend "An Act to give to Mortgagees certain powers now commonly inserted in mortgages."

First Reading, 8th February, 1884.

Mr. WHITE.

TORONTO.

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend "An Act to give to Mortgagees certain powers now commonly inserted in Mortgages."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited and known as "*The Ontario Mortgage Act, 1884.*" Short title.

2. (1) In order to prevent the making of unnecessary and vexatious costs in respect to mortgages, it is hereby enacted that, where pursuant to any condition or proviso contained in a mortgage there has been made or given any demand or notice either requiring payment of the moneys or any part thereof secured by such mortgage, or declaring an intention to proceed under and exercise the power of sale contained in such mortgage, no further proceedings at law or in equity, and no suit or action either to enforce such mortgage, or with respect to any clause, covenant or provision therein contained, or the lands or any part thereof thereby mortgaged shall, until after the lapse of the time at or after which, according to such demand or notice, payment of said moneys is to be made, or said power of sale is to be exercised or proceeded under, be commenced or taken, unless and until an order permitting the same shall first be had and obtained either from the judge of any county court or from any judge of the High Court.

When demand of payment made or notice of intention to exercise power of sale given, no further proceedings to be taken until expiration of time named in notice or demand, without order of a judge.

(2) Such order may be obtained *ex parte*, but only upon such affidavits and proof as will satisfy the judge that it is reasonable and equitable that the proposed suit, action or proceeding should be allowed to be taken and proceeded with.

Proof on which order may be granted.

(3) Any such affidavit or order may be entitled as follows: "In the matter of a mortgage purporting to be made between (*describing the parties thereto as in the mortgage*) and bearing date on the day of ."

Title of affidavit or order.

3. When any such demand or notice requires payment of all moneys secured to be paid by or under said mortgage, the party making such demand or giving such notice shall accept and receive payment of the same if made as required by the terms of such notice or demand; and if there be any disputes as to the costs payable by any party by or on whose behalf such payment is either made or tendered then such costs shall on three clear days' notice to such party by the person claiming the same be taxed and ascertained by the clerk of any county court, or by any local master, and thereupon and in such case, if within ten days after said costs have been so taxed and ascertained, payment of said moneys and costs are

Payment to be accepted if made in terms of notice.

Taxation of costs.

duly made or tendered to the person entitled thereto, or to his solicitor or agent in that behalf, the same shall be deemed and taken to have been paid or tendered, as the case may be, within the meaning of such notice or demand, and in compliance therewith.

No. 71.

1st Session, 5th Legislature, 47 Vic., 1884.

# BILL.

An Act to amend "An Act to give to Mortgagees certain powers now commonly inserted in Mortgages."

First Reading,	8th February, 1884.
Second " "	19th " 1884.

Mr. WHITE.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting proceedings on Mortgages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



1. This Act may be cited and known as "*The Ontario Mortgage Act, 1884.*" Short title.

2. (1) In order to prevent the making of unnecessary and vexatious costs in respect to mortgages, it is hereby enacted that, where pursuant to any condition or proviso contained in a mortgage there has been made or given any demand or notice either requiring payment of the moneys or any part thereof secured by such mortgage, or declaring an intention to proceed under and exercise the power of sale contained in such mortgage, no further proceedings at law or in equity, and no suit or action either to enforce such mortgage, or with respect to any clause, covenant or provision therein contained, or the lands or any part thereof thereby mortgaged shall, until after the lapse of the time at or after which, according to such demand or notice, payment of said moneys is to be made, or said power of sale is to be exercised or proceeded under, be commenced or taken, unless and until an order permitting the same shall first be had and obtained either from the judge of any county court or from any Judge of the High Court.

(2) Such order may be obtained *ex parte*, but only upon such affidavits and proof as will satisfy the judge that it is reasonable and equitable that the proposed suit, action or proceeding should be allowed to be taken and proceeded with.

(3) Any such affidavit or order may be entitled as follows: Title of affidavit or order.

"In the matter of a mortgage purporting to be made between *(describing the parties thereto as in the mortgage)* and bearing date on the \_\_\_\_\_ day of \_\_\_\_\_."

(4)  This section shall not apply to proceedings to stay waste or other injury to the mortgaged premises, and the costs of any application thereunder shall be in the discretion of the Judge.  This section not to apply to proceedings to stay waste.

35      3. When any such demand or notice requires payment of all moneys secured to be paid by or under a mortgage, the party making such demand or giving such notice shall accept and receive payment of the same if made as required by the terms of such notice or demand ; and if there be any disputes as to the costs payable by any person by or on whose behalf  
40 such payment is either made or tendered then such costs shall on three clear days' notice to such person by the person claim-

Payment to be accepted if made in terms of notice.

Taxation of costs.

ing the same be taxed and ascertained by the clerk of any county court, or by any local master, and thereupon and in such case, if within ten days after said costs have been so taxed and ascertained, payment of said moneys and costs are duly made or tendered to the person entitled thereto, or to his solicitor or agent in that behalf, the same shall be deemed and taken to have been paid or tendered, as the case may be, within the meaning of such notice or demand, and in compliance therewith. 5

## BILL.

An Act respecting proceedings on  
Mortgages.

(Reprinted as amended.)

First Reading, 8th February, 1884.  
Second " 19th " 1884.

MT. WHITE.

TORONTO

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend "The Consolidated Municipal Act,  
1883."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section four hundred and thirty-five of "*The Consoli-* 46 V. c. 18.  
5 *dated Municipal Act, 1883,*" is hereby repealed, and the fol- s. 435, re-  
lowing substituted therefor:— repealed.

"435. In every city there is hereby constituted a Board of Commissioners of Police, and in every town having a Police Magistrate, the council may constitute a like Board, and such  
10 Board shall consist of the Mayor, the Judge of the County Court of the county in which the city or town is situate, the Police Magistrate and two members of the council, and, in case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town  
15 may, appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require during such vacancy; but the council of any such town may, at any time, by by-law, dissolve and put an end to the Board, and thereafter the council shall have and exercise  
20 all powers and duties previously had or exercised by the Board."

Board of Commissioners of Police in cities and towns, of whom composed.

2. The two members of the council upon such Board shall be appointed annually at the first meeting of the council in every year after being organized, and vacancies occurring dur-  
25 ing the year shall be filled by the council.

Appointment of members of Council upon Board.

3. Notwithstanding anything in the said Act, the council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, during the month of December in each year,  
30 instead of at its first meeting after being duly organized, appoint two auditors.

Time for appointment of auditors in cities.

4. Every such council, in the event of a vacancy happening by death, resignation or otherwise, may by by-law fill such vacancy, and the person so appointed shall hold office for the  
35 remainder of the year for which the original appointment was made.

Filling vacancies.

5. Every such council may also, by by-law, provide that such auditors shall audit all accounts before payment.

Accounts may be audited before payment.

Duty of  
auditors.

6. The auditors so appointed shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction. 5

Section 377  
amended.

7. Section three hundred and seventy-seven of the said Act is hereby amended by inserting after the word "estate," on the eighth line thereof, the words: "or in local improvement or other debentures of the municipality."

Sinking fund  
may be used  
in purchasing  
unsold  
Debentures.

8. It shall not be necessary that the Debentures mentioned 10 in the next preceding section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on 15 account of the sinking fund, and deal with the same accordingly.

No. 72.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the "Consolidated Municipal Act, 1883."

First Reading, 8th February, 1884.

Mr. MEREDITH.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

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No. 73.]

## BILL.

[1884.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section seventy-one of the Act respecting Mutual Fire Insurance Companies, being chapter one hundred and sixty-<sup>R. S. O. c. 161,</sup> one of the Revised Statutes is hereby repealed. <sup>s. 71 repealed.</sup>

2. This Act is not to affect any actions or suits now pending. Pending actions not affected.

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1st Session, 5 Legislature, 47 Vic, 1884.

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BILL.

An Act to amend the Act respecting Mutual  
Fire Insurance Companies.

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First Reading, 8th of February, 1884.

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Mr. O'CONNOR.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Controverted Elections Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section eleven of "The Controverted Elections Act of R. S. O. c. 11, 5 Ontario" is hereby repealed. s. 11, repealed.

2. Any person may, by leave of the Court, or a Judge, be examined at any time after a petition is at issue touching any matter raised by such petition in like manner as a petitioner or respondent may now be examined. Examination of witnesses by order of Court.

10 3. No such examination shall take place unless the party applying for it shews by affidavit that he has good reason to believe that the person sought to be examined can give material evidence touching the matter raised by the petition. Affidavit of applicant for order.

15 4. The costs of every such examination shall, unless the Court or Judge otherwise orders, be paid by the party applying for it, and it may be made a condition to the granting of leave, under section two, that the party applying for the examination shall make a deposit to cover the costs thereof, or give security for the payment of such costs. Costs of examination.

20 5. The provisions of section twenty-six of the said Act shall not apply to the depositions taken under the provisions of this Act. Sec. 26 of R. S. O. c. 11, not to apply to depositions under this Act.

25 6. The Court or Judge shall have the like powers and be subject to the same duties as to permitting amendments as apply in the case of an action in the High Court of Justice: this section applies to the amendment of the petition. Amendments.

7. Section thirty-eight of the said Act is hereby repealed. R. S. O. c. 11, s. 38, repealed.

30 8. Section fifty-five of the said Act is hereby amended by striking out the word "forthwith" in the fifth line thereof and inserting in lieu thereof the words "except only in the case of appeal, hereinafter mentioned, immediately after the expiration of eight days from the day on which he shall so have given his decision." Sec. 55 amended.

35 9. In case a petitioner in an election petition shall not be qualified to be a petitioner, the petition shall not, on that account, be dismissed, if within such time as the Court or Judge shall allow for that purpose another petitioner be substituted, which substitution may take place on such terms and conditions as to the Court or Judge may seem meet. Substitution of petitioner, where petitioner not qualified.

No. 74.

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1st Session, 5th Legislature, 47 Vic. 1884.

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BILL.

An Act to amend the Controverted, Elections Act of Ontario.

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First Reading, 11th of February, 1884.

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Mr. MEREDITH.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to amend the Ontario Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section three of section thirty of chapter thirty-three  
5 of the Revised Statutes of Ontario, intituled, "The Ontario  
Drainage Act," is hereby repealed, and the following substituted therefor:—

R. S. O., c. 33,  
s. 30, sub-s. 3,  
repealed.

(3) Any municipality liable to keep in repair any such drain-  
age works, and neglecting or refusing so to do, upon reasonable  
10 notice in writing being given, signed by a number of persons  
interested in the same, equal to at least one-fourth of the num-  
ber who originally petitioned that the drainage works in ques-  
tion should be constructed, shall be compelled, by *mandamus*  
to be issued from any court of competent jurisdiction, to make  
15 from time to time the repairs necessary to preserve and main-  
tain the same, and shall be liable to pecuniary damage to any  
person who or whose property is injuriously affected by reason  
of such neglect or refusal.

Enforcing re-  
pair of drain-  
age works.

1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to amend "The Ontario Drainage  
Act."

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First Reading, 12th February, 1884.

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Mr. BALFOUR.

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TORONTO:

PRINTED by THE "GRIFF" PRINTING AND PUBLISHING CO



No. 75.]

## BILL.

[1884.

### An Act to amend the Ontario Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 3 of section 30 of chapter 33 of the Revised R. S. O., c. 33,  
5 Statutes of Ontario, intituled, "*The Ontario Drainage Act.*" s. 30, sub-s. 3,  
is hereby repealed, and the following substituted therefor :— repealed.

(3) Any municipality liable to keep in repair any such drain- Enforcing re-  
age works, and neglecting or refusing so to do, upon reasonable pair of drain-  
notice in writing being given, signed by a number of persons age works.  
10 interested in the same, equal to at least one-fourth of the num-  
ber who originally petitioned that the drainage works in ques-  
tion should be constructed *therein and who are injuriously*  
*affected by such neglect may* be compelled, by *mandamus*  
to be issued from any court of competent jurisdiction, to make  
15 from time to time the repairs necessary to preserve and main-  
tain the same, and shall be liable to pecuniary damage to any  
person who or whose property is injuriously affected by reason  
of such neglect or refusal.

No. 72.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the "Ontario Drainage Act."

*(Reprinted as amended.)*

First Reading, 12th February, 1884.
Second " 19th " 1884.

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

752

No. 76.]

## BILL.

[1884.

An Act to amend the Act to impose a Tax on Dogs,  
and for the Protection of Sheep.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section eight of the Act to impose a tax on dogs, and  
5 for the protection of sheep, chapter one hundred and ninety-  
four of the Revised Statutes, is hereby amended by adding  
thereto the following sub-section :—

R. S. O., c. 194,  
s. 8, amended.

(2) Immediately upon the passing of any such county by-  
law the Council shall cause its clerk to transmit a copy of the  
10 same to the clerk of every municipality within its jurisdiction,  
and the county by-law shall have effect within every such  
municipality, unless the Council thereof by bylaw declares this  
Act to be in force therein, whereupon the said county by-law  
shall not apply to or have any effect within such municipality.

Township may  
pass by-law to  
apply proceeds  
of taxes in  
payment for  
sheep.

7571  
No. 76.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act to impose a Tax  
on Dogs, and for the Protection of Sheep.

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First Reading, 13th February, 1884.

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MR. CHISHOLM.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Act to encourage the planting  
and growing of Trees.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section four of chapter twenty-six of the Acts passed in 46 V. c. 26, s.  
5 the forty-sixth year of Her Majesty's reign, intituled, "An Act  
to Encourage the Planting and Growing of Trees," is hereby  
amended by adding the following sub-section thereto :—

(5) Every tree now growing, or which was growing prior to  
the year one thousand eight hundred and eighty-three, on the  
10 direct divisional or boundary line of any farm or lot, shall be  
the common property of the owners on each side of such  
boundary line, but every tree growing outside of the boundary  
line (and which such line would not strike), shall be the prop-  
erty of the owner of the farm or lot on which such tree may  
15 be growing.

Trees on bound-  
ary line to  
be property of  
owner of farm  
or lot.

2. Section nine of the said Act is hereby amended by adding Sect. 9,  
the following sub-section thereto :—

(3) Any person who ties or fastens any animal to, or injures  
or destroys any tree growing, or which has been growing prior  
20 to the year one thousand eight hundred and eighty-three, upon  
any road or highway, or upon any public street, lane, alley,  
place or square, in this Province, or upon any direct boundary  
line between any farm or lot, or on either side of such bound-  
ary line (and for which no public funds have been paid under  
25 the provisions of the said Act), or who suffers or permits any  
animal in his charge to injure or destroy, or who cuts down  
or removes any such tree without having first obtained per-  
mission so to do from the owner or owners of the land adjacent  
to such tree (if upon a public highway, street, lane, alley or  
30 square), or from the person upon whose land such tree may be  
growing, shall be subject to the like penalties and liable to be  
proceeded against and dealt with as provided in section nine of  
the said Act.

Penalties  
against per-  
sons destroy-  
ing or injuring  
trees.

36  
No. 77.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act to encourage the  
planting and growing of Trees.

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First Reading, 14th February, 1884.

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Mr. Monk.

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
TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.


An Act to amend "The Ontario Tree Planting Act,  
1883."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section 4 of section 4 of "*The Ontario Tree Plant-* 46 Vic. c. 26,  
*ing Act, 1883,*" is hereby repealed and the following substi- s. 4, sub-sec. 4,  
tuted therefor:— repealed.

10 (4) Every growing tree, shrub or sapling whatsoever planted or left standing on either side of any highway for the purposes of shade or ornament shall, upon, from and after the passing of this Act, be deemed to be the property of the owner of the land adjacent to such highway and nearest to such tree, shrub or sapling. 

Property in  
trust growing  
on side of high-  
way.

15 (2) Any person who ties or fastens any animal to, or in- jures or destroys any tree growing for the purposes of shade or ornament upon any direct boundary line between farms or lots, or on either side of such boundary line, or who suffers or per- mits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without the consent of the owner or owners of such tree, shall be subject to the like pen- 20 alties and liable to be proceeded against and dealt with as pro- vided in section 9 of the Act. 

Penalty for in-  
juring shade  
or ornamental  
trees growing  
on boundary  
line between  
farms or lots.

BILL.

An Act to amend "The Ontario Tree Planting Act, 1883."

*(Reprinted as amended).*

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First Reading,	14th February,	1884.
Second "	19th "	1884.

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Mr. Monk.

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TORONTO

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to amend the Division Courts Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and twenty-six of the Division Courts Act is hereby amended by adding thereto the following words:— R. S. O., c. 47  
s. 126,  
amended.

“Or, in any case where the debt has been contracted for board or lodging, or where, in the opinion of the Judge, the said exemption of twenty-five dollars is not actually necessary for the support and maintenance of the debtor’s family.”

2. Section one hundred and thirty-three of the said Act is also hereby amended by adding the following sub-section thereto: Section 133  
amended.

(a) In the event of the garnishees being a body corporate, not having their chief place of business within the Province, then the said summons shall be issued out of the Division Court for the division in which the cause of action arose, and shall be served upon the proper officer or agent of the company, or body corporate, whose residence or office is nearest to the said place where said cause of action arose.

3. The word “party” in said Act shall include a body corporate. “Party” to  
include body  
corporate.

4. In proceedings under section one hundred and thirty of said Act, where the garnishees are likewise a body corporate, not having their chief place of business within the Province, then the summons mentioned in said last-mentioned section shall be served upon the agent of the company, or body corporate nearest to the place where the cause of action arose. Service on  
companies in  
proceedings  
under sec. 130

No. 78.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Division Courts Act.

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First Reading, 14th February, 1884.

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MR. LEES.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to amend the Division Courts Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 126 of the *Division Courts Act* is hereby amended R. S. O., c. 47  
s. 126,  
amended.  
5 by adding thereto the following words:—

“ Or, *the rights or remedies of any creditor* in any case where the debt has been contracted for board or lodging ~~is~~ only, or in any case where the debtor's family or relations or some of them are not dependent upon him for support.”

- 10 2. Section 133 of the said Act is also hereby amended by adding the following sub-section thereto: Section 133  
amended.

(a) In the event of the garnishees being a body corporate, not having their chief place of business within the Province, then the said summons shall be issued out of the Division  
15 Court for the division in which the cause of action arose, and shall be served upon the agent of the body corporate, whose office, *as such agent*, is nearest to the place where said cause of action arose.

3. In proceedings under section 130 of said Act, where the  
20 garnishees are likewise a body corporate, not having their chief place of business within the Province, then the summons mentioned in said last-mentioned section ~~is~~ shall be issued from the Division Court in which the judgment has been recovered, and ~~is~~ shall be served upon the agent of the body corporate,  
25 ~~is~~ whose office as such agent is either within the division in which such judgment has been recovered, or is nearest thereto.

Service on  
companies in  
proceedings  
under sec. 130

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Division Courts Act.

First Reading,	14th February,	1884.
Second	" 22nd "	1884.

*(Reprinted as amended.)*

Mr. LEES.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to amend the Division Courts Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 133 of the *Division Courts Act* is hereby amended by adding the following sub-section thereto: R. S. O., c. 47,  
s. 133,  
amended.

(a) In the event of the garnishees being a body corporate, not having their chief place of business within the Province, then the said summons shall be issued out of the Division Court for the division in which the cause of action arose, and shall be served upon the agent of the body corporate, whose office, *as such agent*, is nearest to the place where said cause of action arose.

2. In proceedings under section 130 of said Act, where the garnishees are likewise a body corporate, not having their chief place of business within the Province, then the summons mentioned in said last-mentioned section shall be issued from the Division Court in which the judgment has been recovered, and shall be served upon the agent of the body corporate, whose office as such agent is either within the division in which such judgment has been recovered, or is nearest thereto.

3. Every person who within Ontario transacts or carries on any business of, or any business for, any such body corporate, shall for the purpose of this Act, and of said section 133 as hereby amended, be deemed the agent thereof. Who to be  
deemed agent.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend the Division Courts Act.

*(Reprinted as amended.)*

First Reading, 14th February, 1884.

Second " 22nd " 1884.

Mr. LEES.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 79.]

## BILL.

[1874.

### An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Notwithstanding anything contained in the forty-second  
5 section of the Act respecting the assessment of property, being  
chapter one hundred and eighty of the Revised Statutes, in  
cities where the time limited by said section for the completion  
of the Rolls is found to be too short to properly make the  
assessment, the Council of such city may, by by-law, extend  
10 the time for the completion of the assessment rolls to a period  
not later than the first day of June in each year, in which case  
the time for closing the Court of Revision shall be extended to  
the twentieth day of July, and for final return by the Judge of  
the County Court to the twentieth day of August.
- In cities the  
Council may  
extend the  
time for com-  
pletion of  
assessment  
roll.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Assessment Act.

First Reading, 14th February, 1884.

Mr. FERRIS.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to further amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1     1. Section one hundred and forty-six of chapter one hun- R. S. O., c.  
5 dred and fifty-two of the Revised Statutes of Ontario, intituled, 152, s. 146,  
“An Act respecting Joint Stock Companies for the construc- amended.  
tion or purchase of roads and other works,” is hereby amended  
by inserting after the word “report” in the third line thereof,  
the following words:—“To the Lieutenant-Governor in Coun-  
10 cil and also.”

2. Section one hundred and forty-eight of the said Act is Sec. 148,  
hereby amended by inserting after the word “appointed” amended.  
in the second line thereof, the following words:—“By the  
Commissioner of Public Works of this Province, or.”

15     3. In case the returns required by section one hundred and Enforcing due  
forty-six of the said Act are not duly made, the Commissioner returns.  
of Public Works may direct an officer of the Department of  
Public Works to take the proceedings necessary to enforce the  
same, and to recover the penalties provided by section three of  
20 the Act passed in the forty-sixth year of Her Majesty's reign,  
chaptered thirteen.

(2) The said officer shall, for the said purposes, have all the  
powers conferred upon the Inspector by section one hundred  
and forty-nine of said chapter one hundred and fifty-two of  
25 the Revised Statutes.

(3) The expenses properly incurred in making any inspec-  
tion under the provisions of the said section one hundred and  
forty-nine shall be borne by the Company, and shall be re-  
coverable in the same manner as penalties may now be recov-  
30 ered under the provisions of the said Revised Statute.

4. Section three of chapter thirteen of the Acts passed in 46 V. c. 13, s.  
the forty-sixth year of Her Majesty's reign is hereby amended 3, amended.  
by inserting, after the word “and” in the seventh line thereof,  
the words “after payment of all expenses duly incurred in en-  
35 forcing the same, the balance shall be.”

No. 80.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to further amend the Act respecting  
Joint Stock Companies for the construc-  
tion or purchase of roads and other works.

First Reading, 14th February, 1884.













Mr. BALFOUR.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to further amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.  Section 3 of chapter 13 of the Acts passed in the 46 V. c. 13, a.  
5 forty-sixth year of Her Majesty's reign and intituled "*An Act* 3, repealed.  
*to amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works,*" is hereby repealed. 
2. Section 146 of chapter 152 of the Revised Statutes of R. S. O., c.  
10 Ontario, intituled "*An Act respecting Joint Stock Companies* 152, s. 146,  
*for the construction or purchase of roads and other works,*" is amended.  
hereby amended by inserting after the word "report" in the third line thereof, the following words:—"To the Lieutenant-Governor in Council and also."
- 15 3.  The said section 146 of the said Revised Statute is Sec. 146 fur-  
hereby further amended by adding the following sub-section thereto:— ther amended.
- (2)  The return required by this section shall be verified  
by a statutory declaration of one of the directors of such com-  
20 pany. 
- (3)  Any violation of this section shall subject the company  
violating the same to a penalty of fifty dollars for each viola-  
tion, and of the additional sum of twenty-five dollars for each  
month during which any such company neglects to make such  
25 return; such penalty to be recovered under the provisions of  
this Act and paid over to the Treasurer of this Province. 
4.  Section 148 of the said Revised Statute is hereby re- Sec. 148 re-  
pealed and the following substituted therefor:— pealed.
148.  Such book shall be at all times open to the inspec- Book of ac-  
30 tion of any person or persons who may for that purpose be counts to be  
appointed by the Commissioner of Public Works of this Pro- open to inspec-  
vince, or by the municipality having jurisdiction as afore- tion.  
said. 

No. 80.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to further amend the Act respecting  
Joint Stock Companies for the construc-  
tion or purchase of roads and other works.

*(Reprinted as amended.)*

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First Reading,	14th February,	1884.
Second       “	22nd       “	1884.

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Mr. BALFOUR.

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TORONTO:

PRINTED BY THE “GRIFF” PRINTING AND PUBLISHING CO.



No. 81.]

## BILL.

[1884.

### An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section seventy-seven of the Consolidated Municipal Act, 46 V. c. 18,  
5 1883, is amended by adding the following sub-section thereto:— s. 77 amended.

(3) But no person shall be held to be disqualified from being  
a member of the Municipal Council of any town which has  
withdrawn from the jurisdiction of the Council of the County  
by reason of his holding the office of Clerk or Treasurer of the  
10 Municipal Council of the said County, provided he is otherwise  
qualified to be elected a member of the Municipal Council of  
the said town.

County Clerk  
or Treasurer  
may be mem-  
ber of Council  
of town not  
under jurisdic-  
tion of  
County.

No. 81.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to amend the Municipal Act.

First Reading, 15th February, 1884.

Mr. CALDWELL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 81.]

## BILL.

[1884.

### An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section seventy-seven of the Consolidated Municipal Act, 46 V. c. 18,  
5 1883, is amended by adding the following sub-section thereto:— s. 77 amended.

(3) But no person shall be held to be disqualified from being  
a member of the Municipal Council of any town which has  
withdrawn from the jurisdiction of the Council of the County  
by reason of his holding the office of Clerk or Treasurer of the  
10 Municipal Council of the said County, provided he is otherwise  
qualified to be elected a member of the Municipal Council of  
the said town.

County Clerk  
or Treasurer  
may be mem-  
ber of Council  
of town not  
under juris-  
diction of  
County.

No. 81.

1st Session, 6th Legislature, 47 Vic. 1884.

BILL.

An Act to amend the Municipal Act.

First Reading, 15th February, 1884.

Mr. CALDWELL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



No. 82.]

## BILL.

[1884.

An Act to enable Free Grant Settlers to obtain further locations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following shall be added to and shall form sub-section two to section seven of the Free Grants and Homesteads Act:—

(2) Provided always, that any person who has obtained a patent under this Act may, on showing by affidavit that he has absolutely parted with the land so patented, obtain another location.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to enable Free Grant Settlers to  
obtain further locations.

First Reading, 19th February, 1884.

MR. PARDEE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend "The Consolidated Municipal Act, 1883."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the "Municipal Amendment 5 Act, 1884." Short title.

2. Section one hundred and sixteen of the said Act is hereby amended by adding the following proviso : 46 V. c. 18, s. 116 amended.

"Provided that no person shall be nominated to any of the said offices who is not present at the nomination meeting, unless such person has consented in writing to accept such office and fulfil its duties if elected, and unless such consent has been filed with the clerk previous to such nomination."

3. Section two hundred and thirty-four of the said Act is hereby amended by adding thereto the following proviso : Sec. 234 amended.

15 "Provided that in the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by a majority of the members of the council, who shall sign a requisition to the clerk."

4. Section two hundred and forty of the said Act is hereby amended by adding the following sub-section thereto : Sec. 240 amended.

(2) No member of a municipal council shall act as counsel, attorney, solicitor, or agent, by himself, or with or through another, in any claim, suit or proceeding against the municipality, nor shall any member of a municipal council speak or vote in the council on any matter or claim against the municipality in which he is interested in any way, as principal, or as trustee, agent, counsel, attorney or solicitor for any other or others, and the actions or proceedings taken by any such member contrary to the provisions of this sub-section may be stayed with costs, to be paid by such member until another counsel, solicitor or attorney has been appointed in his place, free from such objection.

5. Section three hundred and sixty-eight of the said Act is hereby repealed and the following section substituted therefor : Sec. 368 repealed.  
 35 (368) Every municipal council shall have the power to pass a by-law exempting any manufacturing establishment or any water-works or water company, in whole or in part, from taxation for any period not exceeding ten years, provided that all such by-laws before the final passing thereof shall receive the Power to exempt factories etc., from taxation.

assent of the electors in the manner provided in the said Municipal Act and by the necessary majority as provided in the case of by-laws for granting bonuses to railway companies, and said councils may in any such by-law impose such conditions as they may think fit.

5

Sec. 435  
amended.

6. Section four hundred and thirty-five of the said Act is hereby amended by inserting the following words after the word "mayor" in the fourth line thereof, "two other members of the city or town council to be appointed annually by the council at its first meeting in January in each year."

10

Sec. 469  
amended.

7. Section four hundred and sixty-nine of the said Act is hereby amended by adding thereto the following proviso: "Provided always, that where any city or town has provided and maintains, or shall provide and maintain for itself at its own expense, a gaol or house of correction, or where any city or town under any arbitration and award, or agreement, pays the county for the use of the county gaol, this section shall not apply to such city or town in respect to any county gaol as aforesaid, or impose any liability on any city or town in respect to any such county gaol."

20

Sec. 482, ss. 4  
amended.

8. Sub-section four of section four hundred and eighty-two of the said Act is hereby amended by adding thereto the following words, "and for compelling the immediate removal therefrom of all sunken, grounded or wrecked vessels, barges or other craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer, agent, person in charge, or any other person who ought to remove the same, and in default of such removal, that the same may be removed by the council, and the cost thereof be recovered from such owner, charterer, agent, person in charge or other person, as aforesaid, with costs, summarily by distress, in the same manner as municipal rates or taxes, by warrant under the hand of the city treasurer, six days after demand of payment has been made, or by action in any court of competent jurisdiction."

25

Sec. 482, ss. 10  
amended.

9. Sub-section ten of section four hundred and eighty-two of the said Act is hereby repealed saving any act, matter or thing done thereunder.

35

Sec. 495, ss. 11  
amended.

10. Sub-section eleven of section four hundred and ninety-five of the said Act is hereby amended by inserting after the word "junk" in the first and third lines, the words "and second hand."

40

Sec. 496, ss. 6  
amended.

11. Sub-section six of section four hundred and ninety-six of the said Act is hereby amended by adding thereto the following words, "and for closing wells, privies and cesspools, the use or continuance of which may be dangerous to health."

45

Sec. 496, ss. 7  
amended.

12. Sub-section seven of section four hundred and ninety-six of the said Act is hereby amended by striking out all the words after the word "nuisances" in the said sub-section, and by adding the following clause thereto:

(a) And also for regulating and prohibiting the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept.

50



13. Sub-section thirteen of section four hundred and ninety-six of the said Act is hereby amended by adding the following words thereto: "and for securing the sanitary condition of buildings." Sec. 496, ss. 13.

14. Sub-section twenty-six of section four hundred and ninety-six of the said Act is hereby amended by adding thereto the following words: "and for making better provision for protection of property and persons against fire in buildings, and for requiring the plans and also specifications of the walls, party walls and roof of proposed buildings to be previously filed with the council at least two weeks before commencing the building, and for modifying such plans so far as may be deemed necessary to prevent disease, and secure safety from fire and the spreading of fire." Sec. 496, ss. 26 amended.

15. Sub-section forty-five of section four hundred and ninety-six of the said Act is hereby amended by adding the following words thereto: "and for prohibiting in cities and towns, heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law." Sec. 496, ss. 45 amended.

16. Sub-section forty-seven of section four hundred and ninety-six of the said Act is hereby amended by adding thereto the following clause: Sec. 496, ss. 47 amended.

(a) "For prohibiting the further erection of telegraph, telephone, and electrical poles and wires, or other apparatus, in the public streets, and to compel the wires or other apparatus now erected or fixed up to be placed under ground within the period of five years from the passing of the by-law, and said poles to be removed."

17. Sub-section forty-nine of section four hundred and ninety-six of the said Act is hereby amended by adding the following words thereto: "and for licensing and regulating milk vendors and punishing fraudulent vendors." Sec. 496, ss. 49 amended.

18. Section five hundred and thirty-one of the said Act is hereby amended by adding the following sub-section thereto: Sec. 531 amended.

(3) Any corporation which has paid damages, or damages and costs, under this section or otherwise, may recover the said damages and costs, with costs of suit, from any person or persons, body or bodies corporate, whose acts, conduct or default was the original cause of the injury or damage.

19. Every municipal council may require the owner, occupant, trustee or agent of or for any real property in the municipality to immediately remove from such property any dirt, filth or other nuisance or matter dangerous to or likely to endanger health, or to be inconvenient or annoying to the residents in the vicinity, or to the public, or engendering bad or offensive smells, and in default the said council may cause the removal of the same and levy for the costs of such removal, by distress under warrant signed by their treasurer, of the goods and chattels of the defaulting party, six days after demand of payment has been made, together with all costs attending such distress, in addition to any fine or penalty that may be imposed under any by-law. Removal of nuisances.

Liabilities for damages caused by persons using or occupying streets.      20. When a person or company is authorized by an Act of the Legislature to use or occupy the public streets or highways, such person or company shall be liable for any damages arising to any person from such use or occupation, and the municipality shall be exonerated from all such damages, and all actions in respect thereof, and such person or company shall deposit with the municipality sufficient security to meet any such demands. 5

Inconsistent enactments repealed.      21. All enactments contrary to or inconsistent with this Act are hereby repealed. 10

No. 83.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the "Consolidated Municipal Act, 1883."

First Reading, 19th February, 1884.

Mr. FERRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 84.]

## BILL.

[1884.

An Act to amend "The Ditches and Watercourses Act, 1883."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section eight of "The Ditches and Watercourses Act, 1883," <sup>46 V. c. 27,</sup>  
5 is amended by adding thereto the following words: "But said <sup>s. 8, amended.</sup>  
engineer shall have no power or authority under the provisions  
of this Act to award the making, deepening, or widening of  
any ditch or drain where the average cost of the same shall  
exceed the sum of                      per rod."

No. 84.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend "The Ditches and Water-courses Act, 1883."

First Reading, 19th February, 1884.

Mr. GIBSON (*Huron*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



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No. 85.]

BILL.

[1884.]

An Act to amend "The Railway Act of Ontario."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section fifteen of the said Act is amended by adding thereto  
5 the following proviso, that is to say, "Provided, however, that  
the right of desisting shall not be exercised more than once." R. S. O. c. 165,  
s. 15,  
amended.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend The Railway Act of  
Ontario.

First Reading, 19th February, 1884.

Mr. WOOD.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act to amend the Act respecting Pawnbrokers  
and Pawnbroking.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section two of the Act respecting pawnbrokers and  
5 pawnbroking is hereby amended by striking out the words  
“Lieutenant-Governor, to be issued by the Provincial Treasurer,”  
in the third line, and substituting therefor the words “Treas-  
urer of the municipality in which he carries on such trade.” R. S. O. c. 148,  
s. 2, amended.

2. Section three of the said Act is hereby amended by striking  
10 out the words “two hundred,” in the second line, and substi-  
tuting therefor the word “fifty,” and by striking out the  
words “in any of Her Majesty’s courts,” and substituting there-  
for the words “with costs, on the oath of one witness, in the  
same manner as the penalty with costs imposed in section eight  
15 may be recovered,” at the end of the said section. Sec. 3  
amended.

3. Section four of the said Act is hereby amended by strik-  
ing out the word “Provincial,” in the second line, and sub-  
stituting therefor the words “said municipal,” and by strik-  
ing out the words “Consolidated Revenue Fund,” in the last  
20 line, and substituting therefor the words “municipal funds.” Sec. 4  
amended.

4. Section eight of the said Act is hereby amended by strik-  
ing out all the words after the word “goods,” in the eighth line,  
and substituting therefor the words “and said penalty shall  
belong and be paid to the municipality in which the offence  
25 was committed, and all other penalties recovered under this  
Act shall also belong and be paid to the municipality in which  
the offence was committed.” Sec. 8  
amended.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Act respecting Pawn-  
brokers and Pawnbroking.

First Reading, 21st February, 1884.

Mr. BADGEROW.



TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.





An Act to amend the Act respecting Pawnbrokers  
and Pawnbroking.



HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

 1. Sections 2, 3 and 4 of chapter 148 of the Revised  
5 Statutes of Ontario, intituled "*An Act respecting Pawnbrokers  
and Pawnbroking*," are hereby repealed, and the following sub-  
stituted therefor:—



R. S. O. c. 148,  
ss. 2-4 re-  
pealed.

 (2) No person shall exercise the trade of a pawnbroker with-  
in any municipality in this Province unless he shall have  
10 obtained a license therefor under the hand of the treasurer of  
the municipality in which he carries on or purposes to carry  
on such trade, nor unless he shall obtain a renewal of the same  
annually, but no such license shall be issued or renewed, unless  
the same shall have been first authorized by by-law of the  
15 council of said municipality.



Pawnbrokers  
to be licensed.

 (3) Every person exercising such trade without having  
obtained such license or renewal thereof, as aforesaid, shall  
forfeit fifty dollars for every pledge he takes, to be recovered  
with costs in the same manner as the penalty with costs  
20 imposed in section 8 of this Act may be recovered.



Penalty for  
neglect to take  
out license.

 (4) The sum of sixty dollars shall be paid for every such  
license or renewal thereof to such treasurer, for the use of  
the municipality.

Fee for  
license.

 2. Section 8 of the said Act is hereby repealed, and the  
25 following substituted therefor:—

R. S. O., c.  
148, s. 8,  
repealed.

 8. In case any pawnbroker neglects to have such sign so  
placed, he shall forfeit forty dollars for every shop or place  
made use of for one week without having the same so put up,  
to be recovered with costs, on the oath of one witness, before  
30 any two Justices of the Peace, and if not forthwith paid upon  
conviction, the same may, by warrant under the hands and  
seals of two Justices of the Peace, be levied by distress and sale  
of the offender's goods, and said penalty shall belong and be paid  
to the municipality in which the offence was committed, and  
35 all other penalties recovered under this Act shall also belong  
and be paid to the municipality in which the offence was  
committed.

Penalty for  
neglect to  
exhibit sign.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act respecting Pawn-  
brokers and Pawnbroking.

*(Reprinted as amended.)*

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First Reading, 21st February, 1884.
Second " 29th " 1884.

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Mr. BADGEROW.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act respecting Building Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section forty-one of chapter one hundred and sixty-four of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—“ Except as provided in and subject to the fifty-second to fifty-fifth sections, every such Society, by its rules, regulations and by-laws, authorized to borrow money, shall not borrow, receive, take, or retain otherwise than in stock and shares in such Society, from any person or persons, any greater sum than the amount of capital actually paid in on unadvanced shares, or on fixed and permanent capital, and invested in real securities by such Society ; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received, or taken by any Society.”

Amendment of s. 41, c. 164, R. S. authorizing societies to take money on deposit to the amount of their paid-up capital.

2. The first sub-section of section fifty-two of chapter one hundred and sixty-four of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor : “ The Board of Directors of any such Society having a paid-up capital of not less than one hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, may issue debentures of such Society to such an amount as, with all the other liabilities of such Society, shall be equal to double the amount of the paid up, unimpaired, fixed, and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount unpaid upon the subscribed, fixed, and permanent capital upon which not less than twenty per cent. has been paid ; provided, that in no case shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in such Society.”

Amendment of s.s. 11, sec. 52, of R. S., c. 164, authorizing societies having \$100,000 paid-up capital to borrow on debentures, etc., twice the amount of paid-up capital plus the amount of subscribed capital remaining unpaid. The liabilities to the public not to exceed three times the amount paid in on capital.

3. If the interest of any person or persons in any share or shares in the capital stock, or in any bond, debenture or obligation of any Building Society or Loan and Savings Company, such bond, debenture or obligation not being payable to bearer, hath become or shall become transmitted in consequence of the death, or bankruptcy, or insolvency of any such holder, or in consequence of the marriage of a female holder, or by any other lawful means other than a transfer upon the books of the Society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Society, or to recognize such transmission in any

On transmission of shares by death, etc., the transferee must file declaration shewing nature of transmission.



manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager of the Society or Company and approved by the directors; and if such declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Society or Company.

The transferee must also file probate of will or certified extract from same, when directors may allow transfer.

4. If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration, or act of curatorship, or testamentary, or other judicial or official document under which the title, whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

When directors have doubts as to legality of claim they may take opinion of High Court of Justice.

5. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds thereof, then and in such case it shall be lawful for the Society or Company to file in the High Court of Justice of the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action, suit or proceedings against the Society, the directors or officers thereof, for the same subject matter, pending the determination of the said petition; and the Society or Company, and the directors and officers thereof, shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claim and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the court adjudges that such doubts were reasonable the costs, charges



and expenses of the Society or Company in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said Society before the  
 5 Society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto.

6. The word "Society" in this Act shall also include and  
 10 mean "Company."
7. The manager of any such Society or Company, being at the same time director, may be styled Managing Director.

The word  
 "Society" to  
 mean Com-  
 pany.

"Managing  
 director," who  
 may be.

No. 87.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting Building Societies.

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
First Reading, February 21st, 1884.

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Mr. GIBSON (*Hamilton*).

## An Act respecting Building Societies.


HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 21 of chapter 164 of the Revised Statutes of Ontario is hereby amended by inserting after the words "real estate," the words "debentures of any society or company incorporated under this Act or any Act incorporated therewith." 

R. S. O. c. 164, s. 21, amended.

2. Section forty-one of chapter one hundred and sixty-four of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—"Except as provided in and subject to the fifty-second, *fifty-third, fifth-fourth and fifty-fifth* sections, every such Society, by its rules, regulations and by-laws, authorized to borrow money, shall not borrow, receive, take, or retain otherwise than in stock and shares in such Society, from any person or persons, any greater sum than the amount of capital actually paid in on unadvanced shares, or on fixed and permanent capital, and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received, or taken by any Society."

Amendment of s. 41, c. 164, R. S. authorizing societies to take money on deposit to the amount of their paid-up capital.

3. The first sub-section of section fifty-two of chapter one hundred and sixty-four of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor : "The Board of Directors of any such Society having a paid-up capital of not less than one hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, may issue debentures of such Society to such an amount as, with all the other liabilities of such Society, shall be equal to double the amount of the paid up, unimpaired, fixed, and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount unpaid upon the subscribed, fixed, and permanent capital upon which not less than twenty per cent. has been paid; provided, that in no case shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in such Society;"  Provided that nothing in this Act contained shall in any way impair or affect the validity of any debenture or debentures heretofore issued by any such society pursuant to the provisions of any Act in that behalf.

Amendment of s. 52, of R. S., c. 164, authorizing societies having \$100,000 paid-up capital to borrow on debentures, etc., twice the amount of paid-up capital plus the amount of subscribed capital remaining unpaid. The liabilities to the public not to exceed three times the amount paid in on capital.

4. If the interest of any person or persons in any share or

On transmission of shares

by death, etc.,  
the transferee  
must file de-  
claration  
shewing  
nature of  
transmission.

shares in the capital stock, or in any bond, debenture or obligation of any Building Society or Loan and Savings Company, such bond, debenture or obligation not being payable to bearer, hath become or shall become transmitted in consequence of the death, or bankruptcy, or insolvency of any such holder, or in consequence of the marriage of a female holder, or by any other lawful means other than a transfer upon the books of the Society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Society, or to recognize such transmission in any manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager of the Society or Company and approved by the directors; and if such declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Society or Company.

The transfer-  
ree must also  
file probate of  
will or certified  
extract from  
same, when  
directors may  
allow transfer.

5. If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration, or act of curatorship, or testamentary, or other judicial or official document under which the title, whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

When direc-  
tors have  
doubts as to  
legality of  
claim they may  
take opinion of  
High Court of  
Justice.

6. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds thereof, then and in such case it shall be lawful for the Society or Company to file in the High Court of Justice of the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same,



and such court shall have authority to restrain any action, suit or proceedings against the Society, the directors or officers thereof, for the same subject matter, pending the determination of the said petition; and the Society or Company, and the  
 5 directors and officers thereof, shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claim and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the court  
 10 adjudges that such doubts were reasonable the costs, charges and expenses of the Society or Company in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said Society before the  
 15 Society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto.

7. The word "Society" in this Act shall also include and  
 20 mean "Company."

The word  
 "Society" to  
 include "Com-  
 pany."

8. The secretary or treasurer or secretary-treasurer of any such Society or Company may be styled "manager," and when such officer is also a director he may be styled "managing director."

"Manager"  
 and "Manag-  
 ing Director."

1794  
No. 87.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL

An Act respecting Building Societies.

(*Reprinted as amended.*)

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First Reading,	21st February,	1884.
Second "	12th March,	1884.

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Mr. GIBSON (*Hamilton*).

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to amend "The Assessment Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. From and after the passing of this Act all banks and  
 5 banking institutions and branches and agencies thereof shall be assessed, together with the managers, cashiers, or agents thereof, at their offices in each municipality in which they carry on or do business, for their incomes or receipts in the nature of income, as defined in the said Assessment Act, earned or re-  
 10 ceived by them in such municipality for the year next preceding the year in which the assessment is made, as personal property ; and the notice of every such assessment, and the collector's demand of the taxes thereon may be served and made at the said offices, or upon the said managers, cashiers, or  
 15 agents, and shall be valid and binding to all intents and purposes.

Banks to be assessed at their agencies in each municipality.

2. Fire, Marine, and Life Insurance Companies, Accident  
 Assurance Companies, Guarantee Companies, and Express  
 Companies shall be assessed, together with their managers or  
 20 agents at their offices or agencies in each municipality in which they have an office or agency, or if there is no office, with the agent at his residence or office in the municipality, for their incomes or receipts in the nature of income, as defined in the said Assessment Act, earned or received by them at their said  
 25 offices or agencies, or by their managers or agents in such municipality for the year next preceding the year in which the assessment is made, as personal property ; and the notice of every such assessment, and the collector's demand of the taxes thereon, may be served and made at the said offices and  
 30 agencies, or upon the said managers or agents, and shall be valid and binding to all intents and purposes.

Insurance and other companies to be assessed at their agencies in each municipality.

3. Banks and other companies mentioned in sections one and two, having their head offices in the Province of Ontario, shall not be liable to be assessed at such head offices for the income  
 35 or receipts assessed to them in other municipalities.

Companies not to be assessed at head office on property assessed at agencies.

4. The directors, managers, and agents of all such banks and other companies as aforesaid, shall each, upon demand, forth-  
 with furnish to the assessors a true statement in writing, shewing all their income and receipts respectively, for the then  
 40 next preceding year, under a penalty of one hundred dollars, if any such statement is not furnished forthwith, or is false in any particular, to be recovered in like manner as other penalties, with costs, upon summary conviction before a Justice of the Peace.

Agents to furnish statement to assessors on demand.

Assessment of property of a company not used in the business.

5. All property owned or dealt in by an incorporated company and not required or used for the purpose of carrying on or in the business for which such company was incorporated, shall be assessable to such company.

Assessment of gas, water, heating, telegraph and other companies.

6. The pipes, mains, and other apparatus of gas, water, heating, and other companies or proprietors, laid in the public streets, highways, or places, and the pipes, poles, wires, and apparatus of telegraph, telephone, and electrical companies or proprietors, laid, planted, placed, erected, or fixed in the public streets, highways, or places shall be assessable to the companies or proprietors owning or using the same, and their managers and agents, as personal property, which the said property is declared to be for all the purposes of the said Assessment Act, at their offices or agencies in the municipalities in which the said pipes, mains, poles, wires, and apparatus are situated, and the notice of every such assessment and the collector's demand of the taxes thereon may be served and made at the said offices and agencies, or upon the said managers and agents, and shall be valid and binding to all intents and purposes.

R. S. O. c. 180, s. 6, sub-s. 23, repealed.

7. Sub-section twenty-three of section six of the said Assessment Act is hereby repealed.

43 V. c. 27, s. 3, sub-s. 3, repealed.

8. Sub-section three of section three of the Act passed in the forty-third year of Her Majesty's reign, chapter twenty-seven, is hereby repealed.

Collection of tax for statute labour.

9. The rate fixed by the municipal councils of townships and incorporated villages for statute labour not to be performed by assessed residents, may be added to the collection roll for the year in which the same is imposed, and become a charge upon the land, and recoverable as other municipal taxes.

Limit as to statute labour tax on unoccupied lands of non-residents in rural municipalities.

10. Unoccupied land of non-residents shall not be charged for statute labour tax a greater sum than one-half cent on the dollar of the assessed value thereof, but this section shall not apply to cities, towns, or incorporated villages.

Tax on street railway companies.

11. All street railway companies doing business and running cars, coaches, or sleighs in any city shall be liable to be taxed at a rate, and to pay a tax or sum annually not exceeding fifty dollars to the city upon each car, coach, or sleigh used by them in their said business, which tax shall be in lieu of all other municipal taxes of the said city.

Notice of assessment in case of gas and other companies not having an office in the municipality.

12. Gas, water, street railway and other companies using the public streets of a city, town or incorporated village for the placing or erecting therein of their pipes, railway tracks, poles, wires or other apparatus, and which companies have no office or station in the municipality, may be assessed by the assessor transmitting by post the usual assessment notice, addressed to the company to, or delivering the same at, any station or office of the company, and a demand of payment of the taxes similarly made by the collector shall be deemed valid, but if any such company has an office or station in the municipality, such assessment and demand shall be made at such office.



**13.** All exemptions of real property from assessment contained in the said Assessment Act, or in any Act amending the same, or in any other Act, are hereby abolished, except as to church buildings, not including the grounds on which they stand, public and high schools and collegiate institutes, and the grounds connected therewith, not exceeding half an acre, and except universities and colleges with grounds not exceeding four acres, public hospitals, with grounds not exceeding five acres, and free public libraries, orphan, poor and lunatic asylums, with grounds not exceeding one acre, cemeteries, municipal property, and property vested in or held by Her Majesty, as exempted in section six, sub-sections one and two, and except every public road and way and public square.

Exemptions,  
except in cases  
specified,  
abolished.

**14.** All enactments contrary to or inconsistent with this Act are hereby repealed.

Inconsistent  
enactments  
repealed.

No. 88.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend "The Assessment Act."

First Reading, 21st February, 1884.

MT. BADGEROW.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act to amend "The Evidence Act."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Any party to a suit depending in any court of record of  
5 any foreign country, may obtain the testimony of the opposite  
or any party to such suit, or of any witness residing in this  
Province, to be used in such suit as hereinafter provided. Testimony of  
persons resid-  
ing in Pro-  
vince may be  
obtained in  
foreign suits.
2. Upon production of a commission to take such testimony,  
issued out of the foreign court in which such suit is pending,  
10 to any judge of a court of record in Ontario, such judge shall  
order the issue of a subpoena *ad testificandum* or *duces tecum*  
commanding such person to attend before the commissioner  
or commissioners named in such commission, to be examined  
or testify in such suit. Order for issue  
of subpoena.
- 15 3. In case any person having been served with a copy of  
such subpoena and of the order upon which the same was  
issued, his proper fees having been first paid, does not appear  
according to the exigency thereof, or if on his appearance he  
shall refuse to be examined or testify as aforesaid, he shall be  
20 liable to the same penalties as would be incurred for a like  
disobedience at the trial of a suit in any court of record in  
Ontario. Penalty in  
case of  
disobedience.

802

No. 89.

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Ist Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "The Evidence Act."

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First Reading, 21st February, 1884.

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Mr. WHITE.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend the "Consolidated Municipal Act, 1883."

WHEREAS, it is expedient to facilitate the acquiring of Preamble,  
Toll Roads by the municipalities, or portions of municipalities, interested therein :

Therefore Her Majesty, by and with the advice and consent  
5 of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section six hundred and twenty-seven of the Consoli- 46 V. c. 18, s. 627 repealed.  
dated Municipal Act, 1883, is hereby repealed and the follow-  
ing substituted therefor :—

10 627. A County Council may, by by-law, assume or acquire County may by by-law acquire roads and other works within or adjacent to one or more townships, etc., and may levy special rate for improving same.  
any road, bridge or other public work, lying within or adjacent  
to one or more townships, or incorporated towns or villages,  
and may, by by-law, raise by way of loan a sum of money for  
the purchase or improvement of such road, bridge or public  
15 work, to be repaid by a special assessment on all the ratable  
property within the municipalities, or portions of municipali-  
ties, which shall be immediately benefited by such road,  
bridge or public work.

(2) Such by-law shall state the amount to be raised for such Particulars which by-law is to contain.  
20 work, and shall define the municipalities, or portions of municipalities, to be affected by said by-law, and the roads to be  
acquired or the portion of work to be performed in each municipality, and shall provide for the raising of the said amount  
by the issue of debentures of the county, payable in twenty  
25 years, or by equal annual instalments of principal and interest,  
and shall provide for assessing and levying upon all the ratable  
property lying within the section defined in such by-law an  
annual special rate sufficient for the payment of the principal  
and interest of the debentures.

30 (3) Such by-law shall, if approved by a majority of the  
representatives in the County Council of the municipalities  
which are defined in said by-law, or if petitioned for by twenty  
ratepayers entitled to vote on money by-laws in each municipality or portion of a municipality interested, be submitted to  
35 the vote of the qualified ratepayers in the portion of said  
county to be affected by said by-law who are entitled to vote  
on money by-laws. By-law to be submitted to ratepayers in portion of county affected.

(4) In case a majority of all the votes cast shall be in favour  
of the said by-law, it shall be read a third time and passed at  
40 the next succeeding meeting of the County Council. If by-law carried council to pass same.

(5) Cities and towns separated from the county may, with  
the approval of the ratepayers qualified to vote on money Cities and towns separat-

ed from coun-  
ties may pass  
similar by-  
laws.

General pro-  
visions to ap-  
ply to voting  
etc.

R. S. O. c. 152  
to apply to  
owners of toll  
roads.  
Service of pa-  
pers.

by-laws, pass similar by-laws to assist in the purchase of any toll roads in which the said cities or separated towns may be interested.

(6) In all other respects the voting on such by-laws and subsequent proceedings thereon shall be in accordance with the provisions of this Act. 5

(7) The provisions of "The General Road Companies' Act," chapter one hundred and fifty-two, of the Revised Statutes of Ontario, shall apply to all owners or purchasers of toll roads, and all such companies or owners shall maintain an office where 10 papers may be served on such companies or owners within the county in which such road is situated, and, in default of their maintaining such office, service may be made by leaving any papers to be served with any of the toll-keepers on such road.

No. 90.

1st Session, 5th Legislature, 47 Vic. 1884.

# BILL.

An Act to amend the "Consolidated Municipal Act of 1883."

First Reading, 21st February, 1884.

Mr. LEES.

TORONTO:

PRINTED BY THE "GRP" PRINTING AND PUBLISHING CO.

No. 91.]

# BILL.

[1884.

An Act to amend "The Consolidated Municipal  
Act, 1883."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section five hundred and eighty-six of "The Consolidated  
5 Municipal Act, 1883," is hereby amended by inserting immedi-  
ately after the words "Drainage works," the words "or of the  
Municipal Drainage Act and amendments."

46 V. c. 18, s.  
586, amended.

No. 91.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

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First Reading, 21st February, 1884.

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MR. CLANCY.

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TORONTO :

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.



No. 92.]

## BILL.

[1884.

An Act to amend "The Consolidated Municipal Act,  
1883."

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The proviso to section sixty-nine of the "Consolidated  
5 Municipal Act, 1883," is hereby repealed and the following  
proviso substituted in lieu thereof:—

"Provided always, that the Council of every town having a  
population less than five thousand may, upon a petition of not  
less than one hundred municipal electors, pass a by-law reduc-  
10 ing the number of councillors for each ward to one or two  
without the assent of the electors; and provided further, that  
the Council of every town having a population of five thou-  
sand or upwards may, upon a petition of not less than one  
hundred municipal electors, pass a by-law reducing the number  
15 of councillors for each ward to one or two, but such by-law,  
before the final passing thereof, shall receive the assent of the  
electors of the municipality in the manner provided for in  
section two hundred and ninety-four and following sections of  
20 this Act."

Reduction of  
number of  
councillors.

2. Section seventy-three of the said Act is amended by  
striking out the words "over and above all charges, liens and  
incumbrances affecting the same."

Sec. 73  
amended.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

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First Reading, 21st February, 1884.

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Mr. WHITE.

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TORONTO:

PRINTED BY THE "GRR" PRINTING AND PUBLISHING CO.

An Act to regulate the width of Tires to be used on  
Public Highways.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. On and after the first day of June, in the year of our Lord  
5 one thousand eight hundred and eighty-nine, the width of tires  
on waggons, drays and all other wheeled vehicles used on any  
of the public highways within the Province of Ontario, and  
carrying a load of two thousand pounds or upwards, shall not  
be less than four inches in width.
- On and after  
first June,  
1889, tires to be  
four inches  
wide on drays  
and waggons  
carrying 2,000  
pounds or up-  
wards.
- 10 2. Any person violating the provisions of this Act shall, upon conviction thereof before a police magistrate or justice of  
the peace, be liable to a fine of not more than five dollars and  
costs, to be levied by distress or imprisonment, as in cases under  
the Act respecting the duties of justices of the peace out of  
15 sessions, in relation to summary convictions and orders.
- Violation of  
Act punish-  
able by fine or  
imprisonment.

No. 93.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to regulate the width of Tires on  
Waggon<sup>s</sup> Wheels.

First Reading, 21st February, 1884.

MR. SNIDER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.,



An Act to provide better means of egress from Public Buildings.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. This Act may be cited as "The Ontario Public Buildings Short title  
5 Act 1884."

2. The following words and expressions shall in this Act Interpretation.  
have the meanings hereby assigned to them unless there is something in the subject or context repugnant to such construction, that is to say :

10 (1) The words "Public Building" in this Act shall mean "Public  
every building used as a church or place of public worship ; Building.  
also every building used for purposes of public instruction ; also  
every building used as a college, public hall, hospital, opera  
house, theatre, public concert room, public ball room, public  
15 lecture room, public exhibition room, or as a place of public  
resort or amusement, and whether any such building is now  
erected or hereafter to be erected.

A part of a building may, for the purposes of this Act, be taken to be a separate public building.

20 (2) The words "largest audience" shall be held to mean the Largest  
largest number of persons possible to be, or intended to be, audience.  
contained or accommodated within any public building referred  
to or mentioned in the section or sub-section in which said  
words are contained.

25 (3) The words "audience room" shall be held to mean and Audience  
include any room or apartment which in any public building room.  
is intended to accommodate or to be used for any public meet-  
ing or assemblage of persons.

(4) The words "exit doors" shall mean the doors by which Exit doors.  
30 persons can obtain egress directly and immediately from and  
beyond an audience room.

(5) The words "outer doors" shall mean the doors intended Outer doors  
to allow persons to obtain egress through and beyond the  
outside walls or structure of any public building after leav-  
35 ing any audience room therein.

(6) The word "Council" shall mean the Municipal Council Council.  
of every city, town and incorporated village within Ontario.

(7) The expression, "court of summary jurisdiction," shall  
mean the justice of the peace or police magistrate, as the case

may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act.

Outer doors,  
etc., to open  
outward.

3. The outer doors, exit doors and gates of every public building shall be constructed to open freely outward; and, subject to the other provisions of this Act, the width, dimensions<sup>5</sup> and number of such doors and gates shall be such as to reasonably permit of the rapid and unobstructed egress from any such public building of the largest audience.

Width of exit  
doors.

4. The exit doors in any public building shall not in any case be less than four feet each in width, and the aggregate of<sup>10</sup> such exit doors shall,

(1) In every public building where the main audience room is on the ground-level or not more than ten feet therefrom, have one additional foot of width for every sixty of the largest number of persons intended to be accommodated or admitted<sup>15</sup> within such audience room, and

(2) In every public building where the main audience room is more than ten feet above the ground-level, have one additional foot of width for every forty of said largest number of persons.<sup>20</sup>

Width of  
outer doors.

5. The outer doors in any public building shall in no case be of less than four feet each in width, and the aggregate of such outer doors shall

(1) For every public building where the main audience room is on the ground-level, or not more than ten feet therefrom,<sup>25</sup> have not less than one additional foot of width for every sixty of the largest audience; and,

(2) In every public building where the main audience room is more than ten feet above the ground-level, have not less than one additional foot for every forty of the largest audience.<sup>30</sup>

Capacity and  
construction  
of stairways.

6. The stairs, stair-ways and passages in any public building shall, for the purposes of egress from such building be of a capacity at least equal to the width of all exit doors leading directly to such stairs, stair-ways or passages, and all such stairs and stair-ways shall have a hand-rail on each side, and<sup>35</sup> also one in the middle thereof where the stair-way is more than seven feet wide.

In cities  
council to  
appoint an  
architect, and  
in towns and  
villages a com-  
petent officer.  
To examine  
and report on  
public  
buildings.

7. The Council shall within six months after the passing of this Act appoint in cities a competent Architect, and in towns and incorporated villages a competent officer whose duty it<sup>40</sup> shall be

(1) To examine every public building within the city, town or village for which he has been appointed, and to report to the Council on the construction of each such public building, and stating what (if any) alterations ought to be made in any<sup>45</sup> such building in order that the same may be in compliance with the provisions of this Act.

To examine  
and report on  
plans of  
public  
buildings.

(2) To examine and make like reports upon the plans and specifications of all public buildings proposed to be hereafter erected within the Municipality.<sup>50</sup>

(3) To require to be made in public buildings now erected, or in course of being erected, or hereafter to be erected within the Municipality, such changes and alterations as may be necessary to make such building conform to this Act. To require necessary changes to be made.

5 (4) To prosecute according and subject to the provisions of this Act, all persons neglecting to comply with the provisions hereof. To prosecute for non-compliance with the Act.

8. Any architect or officer appointed under this Act shall be entitled to such fees, recompense or salary as may be provided 10 in that behalf by the Council making the appointment. Fees of architects or officers.

9. Any person or corporation owning or possessing any public building not constructed so as to comply with the requirements of the preceding sections of this Act, and who, after the lapse of six months from the passing of this Act, omits, 15 refuses or neglects to proceed with and thereafter within a reasonable time for that purpose complete the changes and alterations requisite to make the construction of such public building comply with the requirements of said preceding sections, shall be held to have violated the provisions of this 20 Act, and upon conviction thereof shall be liable to a fine not exceeding one hundred dollars, with costs of prosecution. Penalty on owners of public buildings not complying with Act within time limited.

10. In every city all exit doors in any theatre, opera house, public concert room, public lecture room, or public exhibition room, shall be numbered differently, and the number of each 25 such exit door shall be conspicuously painted thereon in such manner that said number shall be visible to any audience assembled in such theatre, opera house or room, and there shall, on and in every programme or bill of the play distributed to or among any such audience, be printed in conspicuous type 30 and matter, a plan or diagram with explanation, showing each such exit door with its number; and any owner, lessee, manager, or other person having charge or control of any such theatre, opera house or room, wherein the exit doors are not numbered in compliance with the requirements of this section, or wherein 35 such programme or bill of the play has not printed thereon said plan or diagram with explanation as aforesaid, shall be deemed to have contravened the provisions of this section, and upon conviction thereof shall be liable to a fine not exceeding one hundred dollars with costs of the prosecution. In cities exit doors of theatres, etc., to be numbered and plans showing same to be printed on programmes.

40 11. A person shall not be liable, in respect of a repetition of the same kind of offence from day to day, to any larger amount of fines than the highest fine fixed by this Act for the offence, except where the repetition of the offence occurs after an information has been laid for the previous offence. Penalty for repetition of offence from day to day.

45 12. Where, in respect of a public building, or any part thereof, any person is charged with a contravention of any of the provisions of this Act, the court of summary jurisdiction, in addition to, or instead of inflicting a fine upon such person, may order certain means to be adopted by him, within the 50 time named in the order, for the purpose of bringing such public building, or any part thereof, into conformity with this Act; the court may also, upon application, enlarge the time so named, but if, after the expiration of the time as originally Authority of court where person charged with contravention of Act.



named or enlarged by subsequent order, the order is not complied with, such person shall be liable to a fine not exceeding ten dollars for every day that such non-compliance continues.

Congregations and persons holding churches to be liable as trustees for neglect of provisions of Act.

**13.** Congregations possessing corporate powers and all trustees holding churches or buildings used for churches under *"The Act respecting the property of Religious Institutions,"* and incumbents and churchwardens holding churches or buildings used for churches under the Act of the Parliament of the late Province of Upper Canada passed in the third year of Her Majesty Queen Victoria, chaptered seventy-four and intituled *"An Act to make provisions for the management of the Temporalities of the United Church of England and Ireland in this Province and for other purposes therein mentioned,"* and all other persons holding churches or buildings used for churches under any other Act shall be severally liable as trustees for such societies or congregations to the provisions of this Act. 5 10 15

Act not to apply to certain schools, convents and private chapels.

**14.** Nothing in this Act shall be held or construed as applying to any high, public or separate school building in which the usual daily attendance of pupils does not exceed one hundred, or to convents or private chapels connected therewith or to any private school. 20

Council may by by-law exempt buildings from sects. 3, 4, 5, 6, 7 and 9 for twelve months.

**15.** If any council by by-law declares that with respect to a public building already erected, or any part thereof, situate within the municipality, the provisions of sections three, four, five, six, seven and nine of this Act shall not be in force or effect for any time not exceeding twelve months from the passing hereof, then the provisions of said sections of this Act shall not with respect to such public building or part thereof be in force or effect during the time limited by said by-law as aforesaid. 25 30

Certified copy of by-law to be sent to Commissioner of Public Works.

**16.** It shall be the duty of the Clerk of the Council by which any by-law pursuant to this Act is passed to transmit by mail to the Commissioner of Public Works for Ontario a certified copy of said by-law having the necessary postage thereon prepaid. 35

Prosecutions and procedure.

**17.** All prosecutions under this Act may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the County where the offence was committed or the penalty was incurred, and in cities and towns where there is a Police Magistrate, before such Police Magistrate: and the procedure shall be governed by *"The Act respecting summary convictions before Justices of the Peace."* 40

R. S. O. c. 192, and 46 V. c. 18, s. 482, sub-s. 17 repealed in part.

**18.** Chapter one hundred and ninety-two of the Revised Statutes of Ontario, and so much of sub-section seventeen of section four hundred and eighty-two of *"The Consolidated Municipal Act, 1883"* as relates to the regulating of the size and numbers of the doors and street gates in said sub-section mentioned, and the size and structure of the stairs and stair-railing in said sub-section mentioned are hereby repealed. Provided always, however, that both said Act and said sub-section shall remain and be in full force and effect against and with respect to any public building or any part thereof so long as with respect to said public building or part thereof, any of the provisions of this Act by reason of a by-law passed pursuant to section fourteen hereof are not in force or effect. 45 50 55

Proviso.





No. 94.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to provide better means of egress  
from Public Buildings.

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First Reading, 22nd February, 1884.

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Mr. FRASER.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Act respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section eighteen of chapter one hundred and seventy of the Revised Statutes of Ontario, intituled "An Act respecting Cemetery Companies," is hereby amended by adding the following sub-sections thereto :—

R. S. O., c.  
170, s. 18,  
amended.

(2) In case the proceeds of the sales of burial sites prove insufficient to preserve, improve, and embellish the cemetery or burial ground, the shareholders of the Company, by vote of the majority at a special meeting called for that purpose, may direct an assessment to be levied upon all the shareholders, but such assessment shall not exceed ten per centum in any one year.

(3) The collection of the said assessment may be enforced by suit in any court of competent jurisdiction.

(4) The proceeds of all assessments made under the provisions herein contained shall be applied to the preservation and improvement of the cemetery, and to no other purpose whatever.

2. In case a duly incorporated cemetery company requires additional land for the enlargement of its burial ground, if the council of the municipality in which the land is situated shall, by by-law, declare that in the opinion of the council the company should, for the purpose aforesaid, have power to appropriate the adjacent land in the by-law set forth, and if the judge of the county court of the county shall certify that in his opinion the proposed enlargement is necessary for the public advantage and convenience, the company, upon registering the by-law and certificate in the proper registry office, shall, in respect of the land in the by-law set forth, possess the powers conferred upon municipal corporations by the sections of the Consolidated Municipal Act, 1883, relating to the appointment of arbitrators and procedure, numbered from 387 to 405, both inclusive, and the sections numbered 486 to 489, both inclusive, relating to compensation for lands taken.

Expropriation  
of land.

(2) The said sections of the Consolidated Municipal Act and all obligations thereby imposed on municipal corporations shall apply to the company, as if the company were named therein, instead of the municipal council.

(3) Such powers shall be exercised within six months from the passing of the by-law, and not afterwards, and the lands taken hereunder shall not exceed four acres.

(4) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award twenty-five per centum of the amount so found in addition, and they shall, in their award, state what they find to be the value of the land, as well as the total amount to be paid to compensate the owner or for damages. 5

1st Session, 5th Legislature, 47 Vic, 1884.

## BILL.

An Act to amend the Act respecting Cemetery Companies.

First Reading, 22nd February, 1884.

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act for protecting the Public interest in Rivers,  
Streams and Creeks.

WHEREAS it has been, or may hereafter be necessary, to Preamble.  
remove obstructions, or to construct aprons, dams, slides,  
or other works, in order to facilitate the floating of saw-logs  
and other timber, rafts and crafts, down the rivers and streams  
5 of the Province ;

And whereas licenses have for many years been granted  
from time to time, to cut timber on lands belonging to the  
Crown through or along which such rivers and streams run ;

And whereas the licensees have paid to the Crown large  
10 sums of money by way of bonus for the right to cut the said  
timber, and in addition thereto pay dues as the timber is cut ;

And whereas grants have been made by the Crown of lands  
situated upon such streams ; the said licensed and granted  
lands being above as well as below the places where such  
15 obstructions were or are, or where such works are or may be  
constructed ;

And whereas many of the said licensees and grantees have  
from time to time sold and transferred their interests for large  
sums of money ;

20 And whereas the said transactions have taken place on the  
faith that the licensees and grantees, their representatives and  
assigns, had, and should continue to have, the right of floating  
saw-logs and other timber, rafts and crafts aforesaid, down the  
streams on which their limits or lands are situate ;

25 And whereas in the like faith the licensees, grantees, their  
representatives and assigns, have in many cases expended large  
sums of money on the lands so granted and placed under  
license ;

And whereas by an Act passed in the twelfth year of Her  
30 Majesty's reign by the Parliament of the late Province of Can-  
ada, and chaptered eighty-seven, it was enacted that it should  
"be lawful for all persons to float saw-logs and other timber,  
rafts and crafts down all the streams in Upper Canada during  
the spring, summer and autumn freshets, and that no person  
35 shall by felling trees, or by placing any other obstruction in or  
across such stream, prevent the passage thereof: Provided  
always that no person using such stream, in manner and for  
the purpose aforesaid, shall alter, injure, or destroy any dam or  
other useful erection in or upon the bed of or across any such  
40 stream, or do any unnecessary damage thereto, or on the banks  
of such stream: Provided there shall be a convenient apron,  
slides, gate, lock or opening in any such dam, or other such

structure, made for the passage of all saw-logs and other timber rafts and craft authorized to be floated down such stream as aforesaid;”

And whereas the said provisions were continued in the year 1859 by the Consolidated Statute of Upper Canada, chapter 47, and again recently by the Revised Statute of Ontario, chapter 115;

And whereas, in the case of many of the said streams obstructions have been removed and works have been constructed, and parties having such interests as aforesaid have been accustomed as a matter of right or supposed right to freely use the same for the purpose of floating down their logs and timber, availing themselves, when necessary, of the use of the said improvements and paying (when demanded) for such use to the person who had made the improvements, or to the owner of the land where the improvements had been made, a reasonable compensation or toll;

And whereas, under the circumstances aforesaid, it is just and has become necessary in the interest of the public, and for the protection of lumbermen and others interested in the use of such streams, that there should be express statutory recognition of the right to the use of the said streams as hitherto;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

All persons entitled to use rivers for floating down timber and saw-logs.

1. So far as the Legislature of Ontario has authority so to enact, all persons shall, subject to the provisions in this Act contained, have, and are hereby declared always to have had, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams in respect of which the Legislature of Ontario has authority to give this power; and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, slide, gate-lock, boom, or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and it is hereby declared always to have been lawful to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

Right to use rivers on which improvements have been made for the purpose of floating down timber.

2. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate-lock, boom or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down any such river, creek or stream, which was not navigable or floatable before such improvements were made, or shall blast rocks or remove shoals or other impediments, or otherwise improve the floatability of such river, creek or stream, such person shall not have the exclusive right to the use of such river, creek or stream, or to such constructions and improvements; but all persons shall

have, during the spring, summer and autumn freshets, the right to float and transmit saw-logs and other timber, rafts and crafts, down all such rivers, creeks or streams, and through and over such constructions and improvements, doing no unnecessary damage to the said constructions and improvements, or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made such constructions and improvements, of reasonable tolls.

3. The foregoing sections, and all the rights therein given, and all the provisions therein made and contained, shall extend and apply to all rivers, creeks and streams mentioned in the first section of this Act, and to all constructions and improvements made therein or thereon, whether the bed of such river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown, shall be binding upon such grantees, their heirs, executors, administrators and assigns.

Foregoing provisions to apply whether land patented or not.

4. The Judge of the County Court of the County or Stipendiary Magistrate of the Judicial District, as the case may be, in which such constructions and improvements are situated shall, upon application of the owner thereof, or of any person who may desire to use the same, fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge, and may from time to time vary such amounts; and the Judge or Stipendiary Magistrate in fixing such tolls shall have regard to and take into consideration the original cost of such construction and improvements, the amount required to maintain the same and to cover interest upon the original cost, as well as such other matters as under all the circumstances may seem just and equitable.

Judge of County Court or stipendiary magistrate may fix tolls.

5. The said Judge or Stipendiary Magistrate shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents and otherwise, as are possessed by him, or by any County Court, in any cause, suit, matter, or other proceeding, carried on or pending in such County Court.

Compelling attendance of witnesses.

6. In case any party interested is dissatisfied with the order or judgment of the said Judge or Stipendiary Magistrate, he may within fifteen days from the date thereof appeal from said order or judgment to a Judge of the Court of Appeal, and the Judge to whom such appeal is made shall determine the time within which the appeal shall be set down to be heard, the security to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal.

Appeal.

7. If such appeal is not set down to be heard within the time limited for that purpose, or if the other conditions imposed are not complied with, the appeal shall be deemed to have been abandoned.

When appeal to be deemed abandoned.

8. The costs of the appeal shall be in the discretion of the Judge to whom the appeal is had; and the practice and pro-

Costs of appeal.



ceedings upon such appeal shall, except so far as may be by the Judge to whom the appeal is made otherwise provided, be similar to the practice and proceedings upon appeals from County Courts.

Provisions of Act to apply to all constructions now or hereafter made.

**9.** The foregoing provisions of this Act shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction, or shall hereafter be constructed.

Persons making improvements to have lien for tolls.

**10.** Every person entitled to tolls under this Act shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of such tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if such tolls are not paid, any justice of the peace having jurisdiction within or adjoining the locality in which such constructions or improvements are, shall, upon the oath of the owner of such constructions or improvements, or upon the oath of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable, or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell subject to the lien of the Crown (if any), for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always, that the authority to issue such warrant by such justice of the peace shall not exist after the expiration of one month from the time of the passage of such logs or timber through or over any of such constructions or improvements.

Rights of companies formed under R.S.O., c. 153, not affected.

**11.** Nothing in this Act contained shall be construed as interfering with the powers or rights of any company formed under the Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of timber down rivers and streams, being chapter one hundred and fifty-three of the Revised Statutes of Ontario, or with mill-dams, or the right to erect and maintain mill-dams on streams; and the law respecting mills and mill-dams, being chapter one hundred and thirteen of the Revised Statutes of Ontario, and any other law conferring rights in mill-dams shall remain the same as if this Act had not been passed.

All persons driving logs etc., to have the right to go on river banks.

**12.** All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream shall have the right to go along the banks of any such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the said river, creek or stream.

Person entitled to tolls may make rules regulating transmission of timber.

**13.** Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts over or through such constructions or improvements; but no such rules or regulations shall have any force or effect until



approved of by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel such rules and regulations so made and approved, and from time to time approve of new rules and regulations which the person so  
 5 entitled to tolls as aforesaid, shall have the power to make.

**14.** If any suit is now pending, the result of which will be <sup>Costs of pend-</sup> changed by the passage of this Act, the court or any judge of <sup>ing suits.</sup> such court having authority over such suit, or over the costs, may order the costs of the suit, or any part thereof, to be paid  
 10 by the party who would have been required to pay such costs if this Act had not been passed.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act for protecting the Public Interest  
in Rivers, Streams and Creeks.

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First Reading, 25th February, 1884.

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Mr. PARDEE.

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TORONTO :

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An Act for the Amendment of the Election Law and for the better prevention of Corrupt and Illegal Practices at Elections to the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Election Law Amendment Act, 1884.” Short title.

*Corrupt Practices.*

2. Any person who aids or abets, counsels or procures, the commission of the offence of personation, shall be deemed guilty of corrupt practice. (Imp. 46 and 47 V. c. 51, s. 3.) Personation to be a corrupt practice.

10 (2) A person shall be deemed to be guilty of the offence of personation who, at an election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name. (Imp. 35 and 36 V. c. 33, s. 24.) Personation defined.

3. Any candidate who, before or during the election, makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, any bet or wager, upon the result of the election in the electoral district, or in any part thereof, or on any event or contingency relating to the election, shall be guilty of corrupt practice. Wagering or betting to be a corrupt practice.

20 (2) Any candidate or other person who provides money to be used by another in betting or wagering upon the result of an election to the Legislative Assembly, or on any event or contingency relating to the election, shall be guilty of corrupt practices.

30 (3) Any person who for the purpose of influencing an election makes a bet or wager on the result thereof, in the electoral district or any part thereof, or on any event or contingency relating thereto, shall be guilty of corrupt practice. (40 V. c. 31, s. 1. D.)

4. Any person who votes or induces or procures any person to vote at any election, knowing that he or such person has no right to vote at such election, shall be guilty of a corrupt practice, and shall be liable to a penalty of one hundred dollars. (Imp. 46 and 47 V. c. 51, ss. 9, 10.) Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.

Votes to be struck off on scrutiny when corrupt practice is proved.

5. In case a candidate or the agent of a candidate is proved to have committed any corrupt practice with respect to a voter, there shall on a scrutiny be struck off from the number of votes given for such candidate one vote for every person in regard to whom such corrupt practice is proved to have been committed, and without any examination of the ballot paper or other evidence to ascertain how such voter in fact voted. (37 V. c. 9, s. 94. D.) 5

### *Election Trials.*

Continuation of trial of election petition.

6. The trial of every election petition, so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion; and in case the rota of Judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said Judges shall continue for the purpose of the said trial and proceedings. (Imp. 46 and 47 V. c. 51, s. 42.) 10 15

If election held void member returned not to sit pending appeal.

7. In case the Judge or Judges trying an election shall decide that the election or return was void, the member returned shall not be entitled to take his seat or vote in the Legislative Assembly pending an appeal from the decision. 20

Writ not to issue pending appeal.

8. In case a decision of the Judge or Judges declaring an election or return to be void is appealed from, a writ for a new election shall not be issued for eight days after the decision is given, and if an appeal is meantime brought from the part of the decision which declares the election or return to be void, the writ shall not issue pending the appeal. 25

Effect of difference of opinion between Judges by whom the case is tried.

9. In case of a trial before two Judges, every certificate, and every report sent to the Speaker shall be under the hands of both Judges; and if the Judges differ as to whether the member whose return or election is complained of was duly returned or elected, they shall certify that difference, and the member shall, subject to appeal, be deemed to be duly elected or returned; and if the Judges determine that such member was not duly elected or returned, but differ as to the rest of the determination, they shall certify that difference, and the election shall, subject to appeal, be deemed to be void; and if the Judges differ as to the subject of a report to the Speaker, they shall certify that difference and make no report on the subject on which they so differ; and if the Judges differ as to any matter on which under the one hundred and fifty-ninth and one hundred and sixty-second sections of the Election Act, or otherwise, any disqualification, disability or liability to a penalty depends, they shall certify such difference and the candidate shall not be disqualified or subject to a disability or penalty. 30 35 40 45

(2) There shall be no appeal from a decision of the judges finding that a candidate or other person has not been guilty of corrupt practices, or finding in favour of a candidate any of the matters of defence mentioned in the one hundred and fifty-ninth or one hundred and sixty-second section; and in case of the Judges disagreeing as to any corrupt practice, or any such matter of defence, no application to the Court shall lie in respect of the disagreement. 50



10. In case of a disagreement between the Judges, as mentioned in the fifty-seventh section of the Revised Statutes of Ontario, chapter eleven, and any party is entitled to the opinion of the Court of Appeal with respect to the matter of the disagreement, such party, if he desires such opinion, shall be required to make within eight days from the day on which the said disagreement was announced or certified, the same deposit by way of security for costs, and the proceedings in the matter shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Judges.

Proceedings  
on appeal in  
case of dis-  
agreement be-  
tween Judges.

*Amendments of Specified Sections.*

11. That paragraph of section seven of the Election Act which begins with the word "fourthly" is hereby repealed, and the following is substituted: "Fourthly, All Indians or persons with part Indian blood who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district." (43 V. c. 28, D ; 44 V. c. 17, D ; 45 V. c. 30, D ; 46 V. c. 6, D.)

R. S. O., c. 10  
s. 7, par.  
"Fourthly"  
repealed.  
Indian voters

12. Any person alleged by a candidate or the agent of a candidate to be an Indian, or person with part Indian blood, shall take the following oath or affirmation in addition to any other oath required of a voter under the law. (R. S. O. c. 10, s. 91.)

Oath of Indian  
voter.

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following :—

You swear that you are not an Indian, nor a person with part Indian blood.

13. That paragraph of the said section seven which begins with the word "Fifthly," is hereby repealed, and the following substituted :—

R. S. O., c. 10,  
s. 7, par.  
"Fifthly" re-  
pealed.

"Fifthly, in such of the municipalities, townships and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound as have no assessment roll every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election actually and *bona fide* owner of real estate, in the electoral district for which he claims to vote, of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election."

Voters in  
Algoma,

"(2) A person is not an owner within the meaning of the said provision designated fifthly, where the land of which he claims to be owner has never been granted or patented by the Crown ; and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house."

R. S. O., c. 10  
s. 33 amended.  
Unforeseen  
delays in open-  
ing elections.

**14.** Sections thirty-three of the Election Act is hereby amended by adding thereto the following sub-section :—

(2) In case the returning officer, from any unforeseen delay, accident or otherwise, does not open the election until after the hour named, the election shall not, on that account, be invalid if it appears to be the tribunal having cognizance of the question that the delay did not effect the result of the election. 5  
(R. S. O., c. 10, secs. 33, 197 ; 42 V., c. 4, sec. 9.)

R. S. O., c. 10,  
amended.

**15.** Section fifty-five of the Election Act is hereby amended by adding to the first sub-section thereof the following words: 10  
“and the place where, and the time when the Returning Officer shall sum up the number of votes given to the several candidates.”

R. S. O., c. 10,  
s. 57, repealed.

**16.** Section fifty-seven of the Election Act is hereby repealed, and the following provisions are substituted therefor :— 15

Polling places  
in district of  
Algoma.

In the district of Algoma a poll shall be opened and held at each of the places hereinafter mentioned, namely, in municipalities :—

Hilton.	Sandfield Township.	
Tenby Bay.	Richard's Landing.	20
Sault St. Marie.	Mountain School.	
Manitowaning Village.	Korah.	
Blue Jay River.	Sandfield Mills.	
Mindemoya Lake.	Mudge Bay.	
Little Current.	Shequeandah.	52
Providence Bay.	Michaels Bay.	
Gore Bay.	Burpee.	
Barrie Island.	Green Bay.	
North Ward, Port Arthur.	South Ward, Port Arthur.	
Fort William.	Murillo.	30
Oliver Township.	Rat Portage.	
Cockburn Island.	Big Lake.	

And in unorganized territory, at the following places :—

Killarney.	Collins Inlet.	
Spanish River.	Algoma Mills.	35
Serpent River.	Mississagua River.	
Bruce Mines.	Thessalon River.	
Day Mills.	Dunn's Valley.	
Desert Lake.	Tarbott, near Port Finlay.	
Kewatin Mills.	Fort Francis.	40
Rainy River.	Vermillion Bay.	
Orchards, McDonald	Wequimikong.	
Township.	Garden River.	
Goulais Bay.	Mamainse Mines.	
Coffin Additional.	Michipicoten Island.	45
Robinson.	Silver Islet.	
Michipicoten River.	West Bay.	
Nepigon.		

(2) The Lieutenant-Governor in Council may from time to time add other polling-places to those named. 50

(3) The returning officer shall establish as many polling-places at the places before mentioned as he may consider requisite, and may appoint other places in addition to those named in this section.

(4) There shall be at least one polling-place in every municipality, township or place for which there is an assessment roll. 55

17. Where, in a surveyed township, there is no voters' list but there is a polling-place, every voter in respect of property in the township shall vote at the polling-place or one of the polling-places in the township, and not elsewhere.

Where voters are to vote in townships not having any voters' list.

5 (2) Where, in a surveyed township, there is no voters' list and no polling-place, every voter in respect of property in the township shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

(3) In the case of territory not surveyed into townships, every voter in respect of property in such unsurveyed territory shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

18. Where there is no voters' list, the deputy returning officer shall not receive or enter the vote of any person who, to the knowledge of such deputy returning officer, is not entitled to vote.

When Deputy Returning Officer to refuse vote.

(2) Any person whose vote is rejected and who takes the prescribed oaths shall be entitled to mark a tendered ballot paper; and the same shall be dealt with as provided for tendered ballot papers in other cases under the one hundred and second section of the Election Act.

19. Where there is no voters' list, in case a returning officer or deputy returning officer rejects the vote of a person entitled to vote, if his rejecting the vote was in good faith and from believing, and having reasonable grounds for believing, that such person was not entitled to vote, such returning officer or deputy returning officer shall not be subject to any penalty. (*Vide R. S. O. chap. 10, secs. 73, 91, 92, 93, 129, 180, 181; Drewe v. Colton, 1 East, 555 (note); Cullen v. Morris, 2 Stark, 577; Pryce v. Belcher, 4 C.B., 866; Tozer v. Child, 7 E. & B., 377.*)

Deputy Returning Officer not subject to penalty for rejecting vote in good faith.

20. No assessment roll or voters' list in the electoral districts named in the next section, shall be invalid for the purpose of an election to the Legislative Assembly, by any defect or error heretofore committed, in regard to such rolls or voters' lists, or in the proceedings required by law for preparing and perfecting such rolls or lists unless it appears to the tribunal having cognizance of the question that such defect or error affected the result of the election.

When voters' lists in electoral districts specified in sec. 21, not rendered invalid by defect or error.

21. Section seventy-eight of the Election Act is hereby repealed, and the following substituted therefor:—

R.S.O. c. 10, s. 78, repealed.

78. "(1) In any municipality or township in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound, where there is an assessment roll, but for which no voters' lists containing the names of the voters in such municipality or township have been filed with the clerk of the peace, or certified by the county judge, the returning officer shall, upon receipt of the writ, procure from the clerk of the municipality an alphabetical list or lists of all persons entitled to vote in such municipality or township, or in the polling sub-divisions thereof (if the municipality or township is divided into polling sub-divisions); and the clerk shall forthwith, upon being requested so to do, furnish the returning officer with such list or

Provisions for municipalities in Algoma, &c., where there is an assessment roll but no voters' list filed or certified.



lists, having first certified to the correctness thereof before a justice of the peace;

"(2) Every list of voters so prepared (or a similar list otherwise procured by the returning officer, at the expense of the clerk, in case of the failure of the clerk to furnish the same within a reasonable time), shall be the voters' list to be used at the election for such municipality or township or polling subdivision ;

"(3) In every municipality or township in the said districts in which there is an assessment roll, it shall be necessary that the name of the elector shall appear upon the list of voters prepared under this section, or under 'The Voters' Lists Act;' and in such case the same provisions as to qualification of voters and other matters shall apply as in other electoral districts, and the oath or affirmation to be required of voters shall be the same." (*Vide* R. S. O., c. 175 ; 36 Vic. c. 50 ; 42 Vic. c. 40; 44 Vic. c. 43.)

R.S.O. c. 10, s. 92, repealed.

**22.** Section ninety-two of the Election Act is hereby repealed, and the following provisions are substituted therefor :

Declaration to be made by electors in municipalities in Algoma and other electoral districts where there is no assessment roll.

92. "(1) In such of the municipalities, townships, and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, and Muskoka and Parry Sound as have no assessment rolls, the person claiming to be entitled to vote shall declare his name, place of residence and occupation or calling, and also the property in respect of which such person claims to be entitled to vote, and whether he so claims as owner of such property, or as a householder ; and the deputy returning officer shall cause the said particulars to be entered upon a list in the same manner as is prescribed in the one hundred and second section of this Act, with reference to the tendered voters' list, and the list herein provided for shall be dealt with in the same manner as the tendered voters' list is directed to be dealt with by section one hundred and nine and one hundred and ten of this Act.

Deputy Returning Officer to enter particulars of declaration.

Oath.

"(2) In any such place, every person who offers to vote at any polling place shall, if required by any candidate, or the agent of any candidate, or by the deputy returning officer, take, in lieu of the oath prescribed by the ninety-first section of the Election Act, an oath or affirmation according to one of the forms of oaths given in the schedules to this Act ; and the deputy returning officer is hereby empowered to administer the said oath.

Ballot paper not to be delivered until particulars declared and entered.

"(3) The deputy returning officer shall not deliver a ballot paper to any person claiming to vote, until after such person has declared the several particulars above mentioned, nor until after these have been entered in the said list, nor until after the prescribed oath has been taken if required."

Residence required to qualify votes in certain cases.

**23.** In any part of the electoral district of Algoma or Muskoka and Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary, and for the same period as by a householder, in order to qualify a voter.

(2) No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.



**24.** Section 116 of the Election Act is hereby amended by inserting the following words after the word "shall," in the third line: "at the place and time named from the hustings for this purpose when granting a poll." R.S.O. c. 10, s. 116, amended.

**25.** Section 117 of the Election Act is hereby amended by striking out the words "after the receipt of all the ballot papers and statements relating to such election," and substituting in lieu thereof "within the time hereinafter limited." R.S.O. c. 10, s. 117, amended.

(2) The affidavit required in order to a recount of votes, may be made before either a commissioner for taking affidavits or a justice of the peace, or the election clerk. Before whom affidavit for recount may be made.

(3) The application for the appointment is to be within four days after the returning-officer has, under the 116th section, cast up the number of votes for each candidate, and, subject to a recount, ascertained the result of the poll, and declared the candidate having the highest number of votes. Time within which application to be made.

(4) The time appointed for the recount shall not be more than four days from the date of the appointment. Time appointed for recount.

(5) Notice of the recount shall be served on the candidates appearing to be elected or their agents not less than two days before the time appointed for the recount, or within such other time as the judge may direct. Notice of recount.

(6) The Judge may require the Clerk of the County Court to be present at any recount of votes. Attendance of Clerk of County Court.

(7) The candidates, and one agent for each candidate, shall be entitled to be present during the said proceedings; and if any candidate is not present in person, two agents for such candidate shall be entitled to be present. (R. S. O. c. 10, s. 106.) Who may be present.

**26.** Section 159 of the Election Act is hereby amended by substituting the words "practice or practices" for the words "act or acts," wherever these words occur in the said section. R.S.O. c. 10, s. 159 amended.

**27.** Section 161 of the Election Act is hereby amended by inserting the following words after the words "an election," in the fourth line, "and that the next section does not apply, then." R.S.O. c. 10, s. 161 amended.

**28.** Section 162 of the Election Act is hereby amended by inserting after the word "Judges" the words "or one of them." R.S.O. c. 10, s. 162 amended.

**29.** Section 175 of the Election Act is hereby repealed, and the following substituted therefor:— R.S.O. c. 10, s. 175 repealed.

175. (1) In case, in and by an affidavit filed at, before or after the trial of an election petition, or from the evidence at the trial, any person not a party to the petition is charged with, or appears to have committed, any corrupt practice or other illegal act in connection with the election, the judges or judge trying the petition, or any judge upon the rota for the trial of election petitions, may order such person to be summoned to appear to answer the charge or charges stated in such summons at a time and place to be named in the summons. Procedure by summons in case charge of corrupt practice made against person not a party to petition.

Issue and hearing of summons.

(2) Such summons may be issued or returnable at any place in this Province, and may be heard and disposed of by any judge or judges upon the rota for the trial of election petitions or by any judge of the High Court holding a sittings of the said court for the trial of civil or criminal causes.

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Service of summons.

(3) Every summons issued under this section may be served by delivering a copy of the summons to the person summoned, or to some inmate of his usual place of abode at such place of abode.

On return of summons judge to dispose of case.

(4) Upon the return of the summons and upon proof of service thereof, whether the person charged appears or not, the judge or judges attending to hear the matters charged, or before whom the summons is returnable, shall investigate and dispose of the said case in a summary manner, and shall have the same powers, jurisdiction and authority for such investigation as two judges sitting at the trial of an election petition have for the investigation of a charge of a corrupt practice alleged in the petition to have been committed by the candidate against whom the petition is filed, and shall have authority, from time to time, and from place to place, to adjourn the hearing of the case or the giving of his or their decision.

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Refusal to attend on summons.

(5) In case the person so summoned neglects or refuses to attend in pursuance of such summons, then upon proof being made of such person having been duly summoned, the judge or judges may either issue his or their warrant to compel the appearance of such person, or if he was personally served, or if the judge or judges is or are satisfied that he is aware of the summons and might have been present had he so desired, may pronounce judgment in his absence.

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Person charged to be allowed to make full defence.

(6) The person charged with committing the corrupt practice or other illegal act shall be allowed to make his full answer and defence and to have all witnesses examined and cross-examined by counsel.

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If person convicted judgment to be given for money penalty.

(7) If, either from the admission of the party or from the evidence adduced, the judge or judges is or are satisfied that the person charged has committed any corrupt practice or practices or illegal act or acts mentioned in the summons, he or they shall adjudge that the said person has committed such corrupt practice or practices, or illegal act or acts, and shall order such person to pay to the person at whose instance the summons was issued, hereafter called the prosecutor, the amount of the money penalty or penalties which is or are by law assigned to the offence or offences of which such person has been convicted as aforesaid, and the same shall be a bar to any other proceeding for the penalty or penalties so ordered to be paid.

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Notice to person charged when present.

(8) If the person who appears to have committed such corrupt practice or illegal act, or is charged with having committed the same, is present in court, the said judge or judges, instead of ordering such person to be summoned as aforesaid, may then and there state to him the offence or offences which he appears to have committed, or is charged with having committed, and may appoint a time and place for hearing and adjudicating in respect thereof, and thereupon the same proceedings may be had as if a summons had issued in respect of the said offence or offences.

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(9) Where, from the evidence given at the trial as aforesaid, there appears reason to believe some person has committed a corrupt practice or illegal act, the judge or judges who are trying, or have tried, the petition may direct the County Attorney, or may direct any other solicitor or counsel who is then present, to institute or carry on proceedings under this section on behalf of Her Majesty.

Judge may direct prosecution.

(10) If any punishment in addition to or instead of a money penalty is by law assigned to the commission of any offence of which such person has been found guilty, the said judge or judges shall sentence the person so found guilty to undergo such punishment and shall give all necessary directions in respect thereto, and in case imprisonment is imposed (whether with or without hard labour), the judge or judges may direct in what gaol or other place of confinement the person convicted shall be confined, or in default of any place being named such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced, and such sentence may be pronounced in the absence of the person convicted.

Judge to sentence person convicted to proper punishment in addition to money penalty.

(11) Where a money penalty or penalties is or are imposed the judge or judges, unless the prosecutor elects to recover the amount imposed by process sued out of the High Court, shall direct that in default of the amount being paid forthwith or within a time not exceeding one month, to be limited by the judge or judges, the person convicted shall be imprisoned for a period not exceeding one year, either with or without hard labour, in any gaol, or other place of confinement to be named by such judge or judges, unless the amount of such penalty or penalties shall be sooner paid; and in default of any place being named, such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced.

Imprisonment to be directed in default of payment of money penalty unless prosecutor otherwise elects.

(12) For the infliction of the imprisonment imposed, whether such imprisonment is in the first instance or is in default of payment of any penalty or penalties, the judge or judges shall have the like authority as a Court of Oyer or Terminer, or a judge presiding thereat, has to give effect to the judgment of the court, and the sheriff and gaoler shall obey all orders of the said judge or judges made in that behalf.

Authority of judge with respect to imprisonment.

(13) If the prosecutor elects to recover the amount imposed by process sued out of the High Court, the judge or judges shall make an order for payment forthwith without directing imprisonment in default, and the prosecutor may thereupon file such order or a duplicate thereof with the registrar of any of the divisions of the High Court, and thereafter writs of execution may be issued thereon out of the High Court, and any other proceedings may be had or taken thereon, or in respect thereto, which might be had or taken upon, or in respect to, an ordinary judgment of the said High Court in the same division.

Prosecutor may recover penalty by same process as in case of an ordinary judgment.

(14) In case within one month after the imposition under this section of any penalty it is made to appear that an action or suit had been commenced for the recovery of such penalty before the issue of the summons, the judge or either of the judges who imposed the penalty under this Act may direct that a proportion of the amount recovered, after the full costs and disbursements of the prosecutor have been paid, shall be paid

Provision where penalty has been sued for before summons issued.

over to the plaintiff in such action or suit, and in case the terms of such order are not obeyed the person in whose favour it was made, may, after one month from the date thereof, sue the said prosecutor in any Court of competent jurisdiction for the amount to which such plaintiff is entitled, as for money received by the prosecutor for the use of the plaintiff. If after an order has been made under this sub-section, it appears that the plaintiff in any other action or suit is also entitled to apply hereunder, and if he so applies, the terms of the previous order may be varied as in view of such other application may seem just.

Costs.

(15) The judge or judges trying any charges under this section shall have power to direct by whom the costs of the prosecutor or person charged, or any part thereof, shall be paid, and where such costs are payable by a person convicted, payment shall be enforced in the same manner as the payment of the penalty or penalties, and shall be included in the same order. Where such costs are payable by a prosecutor, payment thereof may be enforced in the manner provided (in the case of a penalty) by sub-section eleven.

R. S. O. c. 66,  
s. 44, to apply  
to executions  
under this  
section.  
Application  
for money  
penalties.

(16) Section forty-four of the Execution Act shall apply to any execution issued under this section.

(17) All moneys received by any private prosecutor under this section shall belong one-half to the Crown and the other half to the said prosecutor.

R. S. O. c. 10,  
s. 197, amend-  
ed.

**30.** Section 197 of the Election Act is hereby amended substituting the word "directions" for the word "rules" in the third line.

R. S. O. c. 11,  
s. 38, amend-  
ed.

**31.** Section 38 of the Controverted Elections Act is hereby amended by inserting after the words "a corrupt practice," in the fifth line, the words "or disqualified."

R. S. O. c. 11,  
s. 64, amend-  
ed.

**32.** Section 64 of the Controverted Elections Act is hereby amended by inserting after the word "days" the words "after the security for costs has been given."

42 V., c. 4, s.  
8, amended.

**33.** Section 8 of the Act to make further provisions respecting elections of members of the Legislative Assembly is hereby amended by striking out the words "the returning officer" where the same secondly occurs in the said section, and by inserting in lieu thereof the words "and in cases where, from unforeseen delays, accidents, or otherwise, as aforesaid, the returning officer is unable to open the election within the prescribed hours on the day he fixed for that purpose, he." (R. S. O., c. 4, s. 8; c. 10, s. 33.)

#### *Miscellaneous.*

Actions for  
penalties to be  
tried by  
judge without  
jury.

**34.** Actions brought in the High Court, or any other Court, for penalties hereafter incurred under the Election Act, or the Voters Lists' Act, or this Act, shall be tried by a Judge without a jury.

Prosecution of  
persons report-  
ed for corrupt  
practices.

**35.** Where an Election Court reports that any persons named therein have been guilty of corrupt or illegal prac-



tices it shall be the duty of the County Attorney to prosecute such persons for the offences mentioned.

36. The Act respecting inquiries concerning Public Matters shall be deemed to apply to matters connected with elections to the Legislative Assembly, and to the proceedings in any such election; but no commission shall issue except where no petition has been presented complaining of the return within the time prescribed, or except where, if a petition has been presented, the proceedings thereon have terminated. (R. S. O. c. 17.)

R. S. O. c. 17,  
to apply to  
matters con-  
nected with  
elections.

37. Any oath which the law provides for in respect of any election to the Legislative Assembly may be administered either by the election clerk, or by such other officer as is heretofore provided in that behalf.

Administra-  
tion of oaths.

38. In case, by reason of riot or other emergency, an election, or the voting at any polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates is given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. (R. S. O. c. 174, s. 153.)

Provision  
when election  
or polling not  
commenced or  
interrupted by  
reason of riot,  
etc.

*Interpretation.*

39. (1) In the Election Act and the Controverted Elections Act and this Act the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected at such election to serve in the Legislative Assembly, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued;

Definition of  
candidate, and  
saving for  
persons nomi-  
nated without  
consent.

(2) Provided that where a person has been nominated as a candidate, or declared to be a candidate by others, then—

(a) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and

(b) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent. (Imp. 46 and 47 V. c. 51, s. 63.)

Repeal

40. The Acts set forth in the Second Schedule to this Act are hereby repealed from the commencement of this Act to the extent in the third column of that schedule mentioned.

Act to be read  
with R. S. O.  
cc. 10, 11,

41. This Act shall be read as part of the Election Act and of the Controverted Elections Act.

5

## FIRST SCHEDULE.

### FORM OF OATH TO BE TAKEN BY VOTERS IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS A VOTERS' LIST.

You swear (1) that you are the person named, or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you. (2)

That on the (3) \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_ you were and still are (4) actually, truly, and in good faith possessed, to your own use and benefit, as either owner, tenant or occupant, in your own right or the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election; (4)

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident of this electoral district;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling-place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is at the choice of the voter, to be either the day certified by the Clerk of the Municipality to be the date of the return by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as finally revised.

(4) If the voter has ceased to be owner, tenant or occupant of the property, the words "and still are" should be omitted, but in that case there must be added at the end of this clause of the oath the following: "and that you are still a resident of this electoral district."

## SECOND SCHEDULE.

### FORMS OF THE OATH TO BE TAKEN BY VOTERS IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS NO ASSESSMENT ROLL OR VOTERS' LIST.

#### *Resident Owner's Oath.*

You swear (1) that you are A. B. (2); and that you have not voted before at this election, either at this or any other polling place;

That you are actually, truly, and in good faith, possessed to your own use, as owner, of the land in respect of which your name has now on your information been entered on the Deputy Returning Officer's list; that you

have been such owner of the said property for the six months next preceding this election; that the said land has been patented, and is of the value of at least two hundred dollars;

That you are now, and have been continuously for six months immediately preceding this date, actually, truly, and in good faith a resident of this Electoral District;

That you are entitled to vote at this election in respect of the said property;

That this, to the best of your belief, is the polling place nearest to the said property;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, to induce him either to vote or to refrain from voting at this election: So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) Insert here the name of the voter.

#### *Resident Householder's Oath.*

You swear (1) That you are A. B. (2); and that you have not voted before at this election, either at this or any other polling place;

That you are actually, truly, and in good faith, a resident householder in the said district, in respect of the property which has now on your information been entered on the Deputy Returning Officer's list as the property on which you vote.

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident of this Electoral District;

That you are entitled to vote at this election in respect of the said property;

That this, to the best of your belief, is the polling place nearest to the said property;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person to induce him either to vote or to refrain from voting at this election. So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) Insert here the name of the voter.

### THIRD SCHEDULE.

#### *Indian's Oath, (Sec. 12.)*

Whether there is or is not an assessment Roll, or if a candidate or his agent alleges that the voter is an Indian, one or other of the following oaths is to be administered to such voter, the voter having the right to select which.

"You swear that you do not participate in the annuities, interests, moneys, or rents of any tribe, band or body of Indians, and do not reside among Indians," or,

"You swear you are not an Indian, nor a person with part Indian blood."

The "owner's oath or resident householder's oath" is also to be taken as in other cases if required.

# FOURTH SCHEDULE.

## ENACTMENTS REPEALED.

CHAPTER.	SHORT TITLE.	EXTENT OF REPEAL.
R. S. O., c. 10.	The Election Act.	Sec. 7. The paragraphs marked Fourthly and Fifthly. Sec. 57. Sec. 78. Sec. 92. Sec. 160. Sec. 175. Secs. 183 to 187 inclusive Schedule A., Form 22.
R. S. O., c. 11.	The Controverted Elections Act.	Sec. 2, sub-section 5.





840  
No. 97.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act for the amendment of the Election Law and for the better prevention of corrupt and illegal practices at elections to the Legislative Assembly.

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First Reading, 25th February, 1884.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act for the Amendment of the Election Law and for the better prevention of Corrupt and Illegal Practices at Elections to the Legislative Assembly.

5 HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Election Law Amendment Act, 1884.” Short title.

10

*Corrupt Practices.*

2. Any person who aids or abets, counsels or procures, the commission of the offence of personation, shall be deemed guilty of corrupt practice. (Imp. 46 and 47 V. c. 51, s. 3.) Personation to be a corrupt practice.

15 (2) A person shall be deemed to be guilty of the offence of personation who, at an election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name. (Imp. 35 and 36 V. c. 33, s. 24.) Personation defined.

3. Any candidate who, before or during the election, makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, any bet or wager, upon the result of the election in the electoral district, or in any part thereof, or on 25 any event or contingency relating to the election, shall be guilty of corrupt practice. Wagering or betting to be a corrupt practice.

(2) Any candidate or other person who provides money to be used by another in betting or wagering upon the result of an election to the Legislative Assembly, or on any event or con- 30 tingency relating to the election, shall be guilty of corrupt practices.

(3) Any person who for the purpose of influencing an election makes a bet or wager on the result thereof, in the electoral district or any part thereof, or on any event or contingency 35 relating thereto, shall be guilty of corrupt practice. (40 V. c. 31, s. 1. D.)

4. Any person who votes or induces or procures any person to vote at any election, knowing that such person has no right to vote at such election, shall be guilty of a corrupt 40 practice, and shall be liable to a penalty of one hundred dollars. (Imp. 46 and 47 V. c. 51, ss. 9, 10.) Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.

Votes to be struck off on scrutiny when corrupt practice is proved.

5. In case a candidate or the agent of a candidate is proved to have committed any corrupt practice with respect to a voter, there shall on a scrutiny be struck off from the number of votes given for such candidate one vote for every person in regard to whom such corrupt practice is proved to have been committed, and without any examination of the ballot paper or other evidence to ascertain how such voter in fact voted. (37 V. c. 9, s. 94. D.) 5

### *Election Trials.*

Continuation of trial of election petition.

6. The trial of every election petition, so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion; and in case the rota of Judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said Judges shall continue for the purpose of the said trial and proceedings. (Imp. 46 and 47 V. c. 51, s. 42.) 10 15

If election held void member returned not to sit pending appeal.

7. In case the Judge or Judges trying an election shall decide that the election or return was void, the member returned shall not be entitled to take his seat or vote in the Legislative Assembly pending an appeal from the decision. 20

Writ not to issue pending appeal.

8. In case a decision of the Judge or Judges declaring an election or return to be void is appealed from, a writ for a new election shall not be issued for eight days after the decision is given, and if an appeal is meantime brought from the part of the decision which declares the election or return to be void, the writ shall not issue pending the appeal. 25

Effect of difference of opinion between Judges by whom the case is tried.

9. (1) In case of a trial before two Judges, every certificate, and every report sent to the Speaker shall be under the hands of both Judges. 30

(2) If the Judges differ as to whether the member whose return or election is complained of was duly returned or elected, they shall certify that difference, and the member shall, subject to appeal, be deemed to be duly elected or returned. 35

(3) If the Judges determine that such member was not duly elected or returned, but differ as to the rest of the determination, they shall certify that difference, and the election shall, subject to appeal, be deemed to be void.

(4) If the Judges differ as to the subject of a report to the Speaker, they shall certify that difference, and make no report on the subject on which they so differ. (Imp. 42 and 43 V., c. 75, s. 2.) 40

(5) If the Judges differ as to any matter on which under the 159th and 162nd sections of the Election Act, or otherwise, any disqualification, disability or liability to a penalty depends, they shall certify such difference, and the candidate shall not be disqualified or subject to a disability or penalty. 45

(6) There shall be no appeal from a decision of the judges finding that a candidate or other person has not been guilty of corrupt practices, or finding in favour of a candidate any of the matters of defence mentioned in the one hundred and sixty-second section. 50



10. In case of a disagreement between the Judges, as mentioned in the fifty-seventh section of the Revised Statutes of Ontario, chapter eleven, and any party is entitled to the opinion of the Court of Appeal with respect to the matter of the disagreement, such party, if he desires such opinion, shall be required to make within eight days from the day on which the said disagreement was announced or certified, the same deposit by way of security for costs, and the proceedings in the matter shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Judges.

Proceedings on appeal in case of disagreement between Judges

### *Amendments of Specified Sections.*

11. That paragraph of section seven of the Election Act which begins with the word "fourthly" is hereby repealed, and the following is substituted: "Fourthly, All Indians or persons with part Indian blood who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district." (43 V. c. 28, D; 44 V. c. 17, D; 45 V. c. 30, D; 46 V. c. 6, D.)

R. S. O., c. 10 s. 7, par. "Fourthly" repealed. Indian voters.

12. Any person alleged by a candidate or the agent of a candidate to be an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required of a voter under the law. (R. S. O. c. 10, s. 91.)

Oath of Indian voter.

- You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following:—

You swear that you are not an Indian, nor a person with part Indian blood.

13. That paragraph of the said section seven which begins with the word "Fifthly," is hereby repealed, and the following substituted:—

R. S. O., c. 10, s. 7, par. "Fifthly" repealed.

- "Fifthly, in such of the municipalities, townships and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound as have no assessment roll every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election actually and *bona fide* owner of real estate, in the electoral district for which he claims to vote, of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election."

Voters in Algoma.

- (2) A person is not an owner within the meaning of the said provision designated fifthly, where the land of which he claims to be owner has never been granted or patented by the Crown; and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

R. S. O., c. 10  
s. 33 amended.  
Unforeseen  
delays in open-  
ing elections.

14. Sections thirty-three of the Election Act is hereby amended by adding thereto the following sub-section :—

(2) In case the returning officer, from any unforeseen delay, accident or otherwise, does not open the election until after the hour named, the election shall not, on that account, be invalid if it appears to be the tribunal having cognizance of the question that the delay did not effect the result of the election. 5  
(R. S. O., c. 10, secs. 33, 197 ; 42 V., c. 4, sec. 9.)

R. S. O., c. 10,  
amended.

15. Section fifty-five of the Election Act is hereby amended by adding to the first sub-section thereof the following words : 10  
“and the place where, and the time when the Returning Officer shall sum up the number of votes given to the several candidates.”

R. S. O., c. 10,  
s. 57, repealed.

16. Section fifty-seven of the Election Act is hereby repealed, and the following provisions are substituted therefor :— 15

Polling places  
in district of  
Algoma.

In the district of Algoma a poll shall be opened and held at each of the places hereinafter mentioned, namely, in municipalities :—

Hilton.	Sandfield Township.	
Tenby Bay.	Richard's Landing.	20
Sault St. Marie.	Mountain School.	
Manitowaning Village.	Korah.	
Blue Jay River.	Sandfield Mills.	
Mindemoya Lake.	Mudge Bay.	25
Little Current.	Shequeandah.	
Providence Bay.	Michaels Bay.	
Gore Bay.	Burpee.	
Barrie Island.	Green Bay.	
North Ward, Port Arthur.	South Ward, Port Arthur.	30
Fort William.	Murillo.	
Oliver Township.	Rat Portage.	
Cockburn Island.	Big Lake.	

And in unorganized territory, at the following places :—

Killarney.	Collins Inlet.	
Spanish River.	Algoma Mills.	35
Serpent River.	Mississagua River.	
Bruce Mines.	Thessalon River.	
Day Mills.	Dunn's Valley.	
Desert Lake.	Tarbott, near Port Finlay.	
Kewatin Mills.	Fort Francis.	40
Rainy River.	Vermillion Bay.	
Orchards, McDonald Township.	Wequimikong.	
Goulais Bay.	Garden River.	
Coffin Additional.	Mamainse Mines.	45
Robinson.	Michipicoten Island.	
Michipicoten River.	Silver slet.	
Nepigon.	West Bay.	

(2) The Lieutenant-Governor in Council may from time to time add other polling-places to those named. 50

(3) The returning officer shall establish as many polling-places at the places before mentioned as he may consider requisite, and may appoint other places in addition to those named in this section.

(4) There shall be at least one polling-place in every municipality for which there is an assessment roll. 55

17. (1) Where, in a surveyed township, there is no voters' list but there is a polling-place, every voter in respect of property in the township shall vote at the polling-place or one of the polling-places in the township, and not elsewhere.

Where voters are to vote in townships not having any voters' list.

5 (2) Where, in a surveyed township, there is no voters' list and no polling-place, every voter in respect of property in the township shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

(3) In the case of territory not surveyed into townships, every voter in respect of property in such unsurveyed territory shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

(4) In the cases provided for in the last two sub-sections, if it is doubtful which of two polling places is the nearer to the voters' property he may vote at either of such polling places.

(5) In case through accident or mistake a vote was not given at the nearest polling place, the same shall not on that account be void.

18. Where there is no voters' list, the deputy returning officer shall not receive or enter the vote of any person who, to the knowledge of such deputy returning officer, is not entitled to vote.

When Deputy Returning Officer to refuse vote.

(2) Any person whose vote is rejected and who takes the prescribed oaths shall be entitled to mark a tendered ballot paper; and the same shall be dealt with as provided for tendered ballot papers in other cases under the one hundred and second section of the Election Act.

19. Where there is no voters' list, in case a deputy returning officer rejects the vote of a person entitled to vote, if his rejecting the vote was in good faith and from believing, and having reasonable grounds for believing, that such person was not entitled to vote, such deputy returning officer shall not be subject to any penalty. (*Vide R. S. O. chap. 10, secs. 73, 91, 92, 93, 129, 180, 181; Drewe v. Colton, 1 East, 555 (note); Cullen v. Morris, 2 Stark 577; Pryce v. Belcher, 4 C.B., 866; Tozer v. Child, 7 E. & B., 377.*)

Deputy Returning Officer not subject to penalty for rejecting vote in good faith.

20. No assessment roll or voters' list in the electoral districts named in the next section, shall be invalid for the purpose of an election to the Legislative Assembly, by reason of any defect or error heretofore committed in regard to such rolls or voters' lists, or in the proceedings required by law for preparing and perfecting such rolls or lists, unless it appears to the tribunal having cognizance of the question that such defect or error affected the result of the election.

When voters' lists in electoral districts specified in sec. 21, not rendered invalid by defect or error.

21. Section seventy-eight of the Election Act is hereby repealed, and the following substituted therefor:—

R. S. O. c. 10, s. 78, repealed.

78. " (1) In any municipality in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound, where there is an assessment roll, but for which no voters' lists containing the names of the voters in such municipality have been filed with the clerk of the peace, or certified

Provisions for municipalities in Algoma, &c., where there is an assessment roll but no voters' list filed or certified.



by the county judge, the returning officer shall, upon receipt of the writ, procure from the clerk of the municipality an alphabetical list or lists of all persons entitled to vote in the municipality or in the polling sub-divisions thereof (if the municipality is divided into polling sub-divisions); and the clerk shall forthwith, upon being requested so to do, furnish the returning officer with such list or lists, having first certified to the correctness thereof before a justice of the peace;

"(2) Every list of voters so prepared (or a similar list otherwise procured by the returning officer, at the expense of the clerk, in case of the failure of the clerk to furnish the same within a reasonable time), shall be the voters' list to be used at the election for such municipality or polling sub-division;

"(3) In every municipality in the said districts in which there is an assessment roll, it shall be necessary that the name of the elector shall appear upon the list of voters prepared under this section, or under 'The Voters' Lists Act,' and in such case the same provisions as to qualification of voters and other matters shall apply as in other electoral districts, and the oath or affirmation to be required of voters shall be the same, save as mentioned in the next sub-section."

(4) No person shall be entitled to vote in any such municipality as an owner or a freeholder, in respect of ungranted land, that is of land not theretofore granted by the Crown; but in case a person who is a resident householder within the meaning of this Act is entered in the assessment roll or voters' list as an owner or a freeholder, he may, notwithstanding, vote as a resident householder, provided that, if required by any candidate or the agent of any candidate, or by the deputy returning officer, such person takes the oath or affirmation set forth in the First Schedule to this Act. (*Vide* R. S. O., c. 175; s. 37; 36 Vic. c. 50; 42 Vic. c. 40; 44 Vic. c. 43.)

R.S.O. c. 10, s. 92, repealed.

**22.** Section ninety-two of the Election Act is hereby repealed, and the following provisions are substituted therefor:

Declaration to be made by electors in municipalities in Algoma and other electoral districts where there is no assessment roll.

(2) In such of the municipalities, townships, and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, and Muskoka and Parry Sound as have no assessment rolls, the person claiming to be entitled to vote shall declare his name, place of residence and occupation or calling, and also the property in respect of which he claims to be entitled to vote; and whether he so claims as owner of such property, or as a householder; and the deputy returning officer shall cause the said particulars to be entered upon a list in the same manner as is prescribed in the one hundred and second section of the said Act, with reference to the tendered voters' list; and the list shall be dealt with in the same manner as the tendered voters' list is directed to be dealt with by sections one hundred and nine and one hundred and ten of the said Election Act.

Deputy Returning Officer to enter particulars of declaration.

Oath.

(3) In any such place, every person who offers to vote at any polling place shall, if required by any candidate, or the agent of any candidate, or by the deputy returning officer, take, in lieu of the oath prescribed by the ninety-first section of the



Election Act, an oath or affirmation according to one of the forms of oaths given in the second schedule to this Act; and the deputy returning officer is hereby empowered to administer the said oath.

- 5 (4) The deputy returning officer shall not deliver a ballot paper to any person claiming to vote, until after such person has declared the several particulars above mentioned, nor until after these have been entered in the said list, nor until after the prescribed oath has been taken if required. Ballot paper not to be delivered until particulars declared and entered.

- 10 **23.** In any part of the electoral district of Algoma or Muskoka and Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary, and for the same period as by a householder, in order to qualify a voter. Residence required to qualify votes in certain cases.

- 15 (2) No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

- 24.** Section 116 of the Election Act is hereby amended by inserting the following words after the word "shall," in the 20 third line: "at the place and time named from the hustings for this purpose when granting a poll." R.S.O. c. 10, s. 116, amended.

- 25.** Section 117 of the Election Act is hereby amended by striking out the words "after the receipt of all the ballot papers and statements relating to such election," and substituting in lieu thereof "within the time hereinafter limited." R.S.O. c. 10, s. 117, amended.

(2) The affidavit required in order to a recount of votes, may be made before either a commissioner for taking affidavits or a justice of the peace, or the election clerk. Before whom affidavit for recount may be made.

- (3) The application for the appointment is to be within four 30 days after the returning-officer has, under the 116th section, cast up the number of votes for each candidate, and, subject to a recount, ascertained the result of the poll, and declared the candidate having the highest number of votes. Time within which application to be made.

- (4) The time appointed for the recount shall not be more 35 than four days from the date of the appointment. Time appointed for recount.

(5) Notice of the recount shall be served on the candidates appearing to be elected or their agents not less than two days before the time appointed for the recount, or within such other time as the judge may direct. Notice of recount.

- 40 (6) The Judge may require the Clerk of the County Court to be present at any recount of votes. Attendance of Clerk of County Court.

- (7) The candidates, and one agent for each candidate, shall be entitled to be present during the said proceedings; and if any candidate is not present in person, two agents for such 45 didate shall be entitled to be present. (R. S. O. c. 10, s. 106.) Who may be present.

**26.** Section 159 of the Election Act is hereby amended by substituting the words "practice or practices" for the words "act or acts," wherever these words occur in the said section. R. S. O. c. 10, s. 159 amended.

- 27.** Section 161 of the Election Act is hereby amended 50 by inserting the following words after the words "an election," in the fourth line, "and that the next section does not apply, then." R. S. O. c. 10, s. 161 amended.

R. S. O. c. 10, s. 162 amended. **28.** Section 162 of the Election Act is hereby amended by inserting after the word "Judges" the words "or one of them."

R. S. O. c. 10, s. 166, amended. **29.** Section 166 of the Election Act is hereby amended by adding thereto the following words, "and so found and reported by the Judges in deciding that the former election was void, such finding not being reversed in appeal." 5

R. S. O. c. 10, s. 175 repealed. **30.** Section 175 of the Election Act is hereby repealed, and the following substituted therefor :—

Procedure by summons in case charge of corrupt practice made against person not a party to petition. **175.** (1) In case, in and by an affidavit filed at, before or after the trial of an election petition, or from the evidence at the trial, any person not a party to the petition is charged with, or appears to have committed, any corrupt practice or other illegal act in connection with the election, the judges or judge trying the petition, or any judge upon the rota for the trial of election petitions, may order such person to be summoned to appear to answer the charge or charges stated in such summons at a time and place to be named in the summons. 10 15

Issue and hearing of summons. (2) Such summons may be issued or returnable at any place in this Province, and may be heard and disposed of by any judge or judges upon the rota for the trial of election petitions or by any judge of the High Court holding a sittings of the said court for the trial of civil or criminal causes.

Service of summons. (3) Every summons issued under this section may be served by delivering a copy of the summons to the person summoned, or to some inmate of his usual place of abode at such place of abode. 25

On return of summons judge to dispose of case. Authority and powers of judge. (4) Upon the return of the summons and upon proof of service thereof, whether the person charged appears or not, the judge or judges attending to hear the matters charged, or before whom the summons is returnable, shall investigate and dispose of the said case in a summary manner, and shall have the same powers, jurisdiction and authority for such investigation as two judges sitting at the trial of an election petition have for the investigation of a charge of a corrupt practice alleged in the petition to have been committed by the candidate against whom the petition is filed, and shall have authority, from time to time, and from place to place, to adjourn the hearing of the case or the giving of his or their decision. 30 35

Refusal to attend on summons. (5) In case the person so summoned neglects or refuses to attend in pursuance of such summons, then upon proof being made of such person having been duly summoned, the judge or judges may either issue his or their warrant to compel the appearance of such person, or if he was personally served, or if the judge or judges is or are satisfied that he is aware of the summons and might have been present had he so desired, may pronounce judgment in his absence. 40 45

Person charged to be allowed to make full defence. (6) The person charged with committing the corrupt practice or other illegal act shall be allowed to make his full answer and defence and to have all witnesses examined and cross-examined by counsel. 50

If person convicted judge. (7) If, either from the admission of the party or from the evidence adduced, the judge or judges is or are satisfied that

the person charged has committed any corrupt practice or practices or illegal act or acts mentioned in the summons, he or they shall adjudge that the said person has committed such corrupt practice or practices, or illegal act or acts, and shall order such person to pay to the person at whose instance the summons was issued, hereafter called the prosecutor, the amount of the money penalty or penalties which is or are by law assigned to the offence or offences of which such person has been convicted as aforesaid, and the same shall be a bar to any other proceeding for the penalty or penalties so ordered to be paid.

ment to be  
given for  
money  
penalty.

(8) If the person who appears to have committed such corrupt practice or illegal act, or is charged with having committed the same, is present in court, the said judge or judges, instead of ordering such person to be summoned as aforesaid, may then and there state to him the offence or offences which he appears to have committed, or is charged with having committed, and may appoint a time and place for hearing and adjudicating in respect thereof, and thereupon the same proceedings may be had as if a summons had issued in respect of the said offence or offences.

Notice to per-  
son charged  
when present.

(9) Where, from the evidence given at the trial as aforesaid, there appears reason to believe some person has committed a corrupt practice or illegal act, the judge or judges who are trying, or have tried, the petition may direct the County Attorney, or may direct any other solicitor or counsel who is then present, to institute or carry on proceedings under this section on behalf of Her Majesty.

Judge may  
direct prosecu-  
tion.

(10) If any punishment in addition to or instead of a money penalty is by law assigned to the commission of any offence of which such person has been found guilty, the said judge or judges shall sentence the person so found guilty to undergo such punishment and shall give all necessary directions in respect thereto, and in case imprisonment is imposed (whether with or without hard labour), the judge or judges may direct in what gaol or other place of confinement the person convicted shall be confined, or in default of any place being named such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced, and such sentence may be pronounced in the absence of the person convicted.

Judge to sen-  
tence person  
convicted to  
proper punish-  
ment in addi-  
tion to money  
penalty.

(11) Where a money penalty or penalties is or are imposed the judge or judges, unless the prosecutor elects to recover the amount imposed by process sued out of the High Court, shall direct that in default of the amount being paid forthwith or within a time not exceeding one month, to be limited by the judge or judges, the person convicted shall be imprisoned for a period not exceeding one year, either with or without hard labour, in any gaol, or other place of confinement to be named by such judge or judges, unless the amount of such penalty or penalties shall be sooner paid; and in default of any place being named, such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced.

Imprisonment  
to be di-  
rected in  
default of pay-  
ment of money  
penalty unless  
prosecutor  
otherwise  
elects.

(12) For the infliction of the imprisonment imposed, whether such imprisonment is in the first instance or is in default of payment of any penalty or penalties, the judge or judges shall

Authority of  
judge with  
respect to im-  
prisonment.



have the like authority as a Court of Oyer or Terminer, or a judge presiding thereat, has to give effect to the judgment of the court, and the sheriff and gaoler shall obey all orders of the said judge or judges made in that behalf.

Prosecutor may recover penalty by same process as in case of an ordinary judgment.

(13) If the prosecutor elects to recover the amount imposed by process sued out of the High Court, the judge or judges shall make an order for payment forthwith without directing imprisonment in default, and the prosecutor may thereupon file such order or a duplicate thereof with the registrar of any of the divisions of the High Court, and thereafter writs of execution may be issued thereon out of the High Court, and any other proceedings may be had or taken thereon, or in respect thereto, which might be had or taken upon, or in respect to, an ordinary judgment of the said High Court in the same division.

Provision where penalty has been sued for before summons issued.

(14) In case within one month after the imposition under this section of any penalty it is made to appear that an action or suit had been commenced for the recovery of such penalty before the issue of the summons, the judge or either of the judges who imposed the penalty under this Act may direct that a proportion of the amount recovered, after the full costs and disbursements of the prosecutor have been paid, shall be paid over to the plaintiff in such action or suit, and in case the terms of such order are not obeyed the person in whose favour it was made, may, after one month from the date thereof, sue the said prosecutor in any Court of competent jurisdiction for the amount to which such plaintiff is entitled, as for money received by the prosecutor for the use of the plaintiff. If after an order has been made under this sub-section, it appears that the plaintiff in any other action or suit is also entitled to apply hereunder, and if he so applies, the terms of the previous order may be varied as in view of such other application may seem just.

Costs.

(15) The judge or judges trying any charges under this section shall have power to direct by whom the costs of the prosecutor or person charged, or any part thereof, shall be paid, and where such costs are payable by a person convicted, payment shall be enforced in the same manner as the payment of the penalty or penalties, and shall be included in the same order. Where such costs are payable by a prosecutor, payment thereof may be enforced in the manner provided (in the case of a penalty) by sub-section thirteen.

R. S. O. c. 66, s. 44, to apply to executions under this section. Application for money penalties.

(16) Section forty-four of the Execution Act shall apply to any execution issued under this section.

(17) All moneys received by any private prosecutor under this section shall belong one-half to the Crown and the other half to the said prosecutor.

R. S. O. c. 10, s. 197, amended.

**31.** Section 197 of the Election Act is hereby amended by substituting the word "directions" for the word "rules" in the third line.

R. S. O. c. 11, s. 38, amended.

**32.** Section 38 of the Controverted Elections Act is hereby amended by inserting after the words "a corrupt practice," in the fifth line, the words "or disqualified."

R. S. O. c. 11, s. 64, amended.

**33.** Section 64 of the Controverted Elections Act is hereby amended by inserting after the word "days" the words "after the security for costs has been given."



**34.** Section 8 of the Act to make further provisions respecting elections of members of the Legislative Assembly is hereby amended by striking out the words "the returning officer" where the same secondly occurs in the said section, and by inserting in lieu thereof the words "and in cases where, from unforeseen delays, accidents, or otherwise, as aforesaid, the returning officer is unable to open the election within the prescribed hours on the day he fixed for that purpose, he." (R. S. O., c. 4, s. 8 ; c. 10, s. 33.)

*Miscellaneous.*

10

**35.** Where, at the trial of an election petition under "The Controverted Elections Act," a short-hand writer, belonging to the regular staff of the High Court, attends upon the request of the Judge or Judges for the purpose of taking down the oral evidence given by witnesses, the travelling and hotel expenses of such short-hand reporter shall be costs in the cause ; and where, on account of the business of the High Court, none of the short-hand reporters of the regular staff is able to attend, and another short-hand reporter attends at the request of the Judge or Judges for the purpose aforesaid, the proper charges and expenses of such reporter shall be costs in the cause. (*Vide* Dom. Act 37 Vic. cap. 10, sec. 51.)

**36.** Actions brought in the High Court, or any other Court, for penalties hereafter incurred under the Election Act, or the Voters Lists' Act, or this Act, shall be tried by a Judge without a jury.

**37.** Where an Election Court reports that any persons named therein have been guilty of corrupt or illegal practices it shall be the duty of the County Attorney to prosecute such persons for the offences mentioned.

**38.** The Act respecting inquiries concerning Public Matters shall be deemed to apply to matters connected with elections to the Legislative Assembly, and to the proceedings in any such election ; but no commission shall issue except where no petition has been presented complaining of the return within the time prescribed, or except where, if a petition has been presented, the proceedings thereon have terminated. (R. S. O. c. 17.)

**39.** Any oath which the law provides for in respect of any election to the Legislative Assembly may be administered either by the election clerk, or by such other officer as is heretofore provided in that behalf.

**40.** In case, by reason of riot or other emergency, an election, or the voting at any polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates is given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order

that all the electors so intending may have had a fair opportunity to vote. (R. S. O. c. 174, s. 153.)

*Interpretation.*

Definition of candidate, and saving for persons nominated without consent.

**41.** (1) In the Election Act and the Controverted Elections Act and this Act the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected at such election to serve in the Legislative Assembly, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued ;

(2) Provided that where a person has been nominated as a candidate, or declared to be a candidate by others, then—

(a) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected ; and

(b) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent. (Imp. 46 and 47 V. c. 51, s. 63.)

Repeal

**42.** The Acts set forth in the Second Schedule to this Act are hereby repealed from the commencement of this Act to the extent in the third column of that schedule mentioned.

Act to be read with R. S. O. cc. 10, 11,

**43.** This Act shall be read as part of the Election Act and of the Controverted Elections Act.

**FIRST SCHEDULE.**

FORM OF OATH TO BE TAKEN IN MUNICIPALITIES IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS A VOTERS' LIST,

*By persons who vote as resident householders, but are entered in the list as owners or freeholders.*

You swear (1) that you are the person named, or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you. (2)

That you are actually, truly and in good faith a resident householder of this electoral district, in respect of the property for which you are assessed in this municipality as owner (*or freeholder*), and for which you are entered as such in the list of voters now shewn to you.

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident of this electoral district ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling-place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

## SECOND SCHEDULE.

FORMS OF THE OATH TO BE TAKEN BY VOTERS IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS NO ASSESSMENT ROLL OR VOTERS' LIST.

### *Resident Owner's Oath.*

You swear (1) that you are A. B. (2) ; and that you have not voted before at this election, either at this or any other polling place ;

That you are actually, truly, and in good faith, possessed to your own use, as owner, of the land in respect of which your name has now on your information been entered on the Deputy Returning Officer's list ; that you have been such owner of the said property for the six months next preceding this election ; that the said land has been patented, and is of the value of at least two hundred dollars ;

That you are now, and have been continuously for six months immediately preceding this date, actually, truly, and in good faith a resident of this Electoral District ;

That you are entitled to vote at this election in respect of the said property ;

That this, to the best of your belief, is the polling place nearest to the said property ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, to induce him either to vote or to refrain from voting at this election : So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) Insert here the name of the voter.

### *Resident Householder's Oath.*

You swear (1) That you are A. B. (2) ; and that you have not voted before at this election, either at this or any other polling place ;

That you are actually, truly, and in good faith, a resident householder in the said district, in respect of the property which has now on your information been entered on the Deputy Returning Officer's list as the property on which you vote.

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident of this Electoral District ;

That you are entitled to vote at this election in respect of the said property ;

That this, to the best of your belief, is the polling place nearest to the said property ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person to induce him either to vote or to refrain from voting at this election. So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) Insert here the name of the voter.

### THIRD SCHEDULE.

#### *Indian's Oath, (Sec. 12.)*

Whether there is or is not an assessment Roll, or if a candidate or his agent alleges that the voter is an Indian, one or other of the following oaths is to be administered to such voter, the voter having the right to select which.

"You swear that you do not participate in the annuities, interests, moneys, or rents of any tribe, band or body of Indians, and do not reside among Indians,"

or,

"You swear you are not an Indian, nor a person with part Indian blood."

The "resident owner's oath" or "resident householder's oath" is also to be taken as in other cases, if required.

### FOURTH SCHEDULE.

#### ENACTMENTS REPEALED.

CHAPTER.	SHORT TITLE.	EXTENT OF REPEAL.
R. S. O., c. 10.	The Election Act.	Sec. 7. The paragraphs marked Fourthly and Fifthly. Sec. 57. Sec. 78. Sec. 92. Sec. 160. Sec. 175. Secs. 183 to 187 inclusive Schedule A., Form 22.
R. S. O., c. 11.	The Controverted Elections Act.	Sec. 2, sub-section 5.





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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act for the amendment of the Election Law and for the better prevention of corrupt and illegal practices at elections to the Legislative Assembly.

(*Corrected copy.*)

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First Reading, 25th February, 1884.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

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An Act to amend the Act respecting Public, Separate and High Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section one of section seven of the Act passed in the 42 Vic. c. 34, 5 forty-second year of Her Majesty's reign, and chaptered thirty-four, is hereby repealed, and the following is substituted therefor:—  
s. 7, sub-s. 1, repealed.

(1) The meetings for the nomination of candidates for the office of public school trustee shall take place at the same time 10 and at the same places as those for the nomination of candidates for seats or membership in municipal councils, other than mayors in cities and towns, and reeves and deputy reeves in towns, and shall be conducted in the same manner and by the same returning officers, who shall give at least six days' notice 15 of such meeting, and who shall make separate returns of the result to the school board forthwith, and in case of a poll being demanded or required, the same shall be held on the same day at the same polling place or places upon and at which the municipal elections are appointed to be held, by the municipal 20 returning or deputy returning officers appointed to such places, and the poll shall be open and continue open for the same time as that fixed for taking the votes at a municipal election, and shall be conducted in the same manner as at a municipal election, except as to the qualification of voters, which shall remain 25 as at present defined by the public school law; and at such school trustee election the votes of the electors shall be taken by ballot, and the lists of the voters entitled to vote at such elections, with ballot papers in the form as near as may be as those used at the municipal elections, shall before any such 30 election be delivered to the said returning or deputy returning officers by the school board, and the said returning and deputy returning officers shall make their returns of the result of such elections to the school board as in section seven, sub-section six, of the said Act; Provided, that this sub-section (1) shall 35 not apply to rural school sections or corporations.

Nomination meetings.

2. Sub-sections two, three, four and five, of section seven of the said Act are hereby repealed.

Sec. 7, sub-secs. 2-5, repealed.

3. All candidates for the office of public school trustee must possess the same property qualification as is required to be 40 possessed by a candidate for membership of the municipal council in the municipality in which the public school corpor-

Qualification of school trustees.

ation or board of which the candidate seeks to become a member is situated, and no member of a municipal council or candidate for such membership shall be eligible as a candidate for the office of public school trustee, or to be a public school trustee, and no public school trustee or candidate for such office shall be eligible as a candidate for membership of a municipal council, or to be a member of a municipal council. 5

Separate school corporations may adopt provisions of this Act.

4. Roman Catholic separate school corporations may avail themselves of this Act or any section thereof by declaring the same to be applicable to them by a by-law, duly passed, and by giving notice to the clerk of the municipality of the passing of such by-law. 10

Law respecting separate schools amended in accordance with this Act.

5. The law respecting public and Roman Catholic separate schools is hereby amended in accordance with this Act.

1st Session, 5th Legislature, 47 Vic., 1884.

# BILL.

An Act to amend the Act respecting Public, Separate and High Schools.

First Reading, 25th February, 1884.

Mr. McCraney.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



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No. 99.]

## BILL.

[1884.

An Act to amend "The Ontario Tree Planting Act,  
1883."

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section four of section four of "The Ontario Tree  
5 Planting Act, 1883," is hereby repealed and the following sub-  
stituted therefor:—

46 Vic. c. 26,  
s. 4, sub-sec. 4,  
repealed, and  
new sub-sec.  
substituted.

(4) Every tree now growing on any highway in this Pro-  
vince shall upon, from and after the passing of this Act, be  
deemed to be the property of the municipality within which  
10 such highway is situate.

No. 99.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL

An Act to amend "The Ontario Tree Planting Act, 1883."

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First Reading, 26th February, 1884.

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MR. O'CONNOR.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Territory in dispute between  
this Province and the Province of Manitoba.

WHEREAS the boundary between this Province and the Preamble.

Province of Manitoba is in dispute; and whereas the Governments of the Provinces aforesaid have come to an agreement to refer the said dispute to Her Majesty in Her Privy Council, and to promote concurrent legislation for the administration of justice, and to secure peace and good order in the said territory until the Judicial Committee of the Privy Council shall determine the dispute;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council for the Province of Ontario, and the Lieutenant-Governor in Council for the Province of Manitoba, may each appoint, from time to time, a Commissioner of Police for all the territory within the Municipality, or intended Municipality, of Rat Portage, whether intended to be incorporated under Statutes of Ontario or of Manitoba, and for the territory along the line of the Canada Pacific Railway in the Disputed Territory, and extending for a quarter of a mile on each side of the said railway. The said territory may be hereafter known as "The Canada Pacific Magisterial District." Each Commissioner of Police shall hold office during the pleasure of the Lieutenant-Governor in Council by whom he may be appointed.

Appointment of commissioners for Rat Portage.

2. The said Commissioners shall be *ex-officio* Police Magistrates in and for the said territory, North and West of the Height of Land, and shall each possess within it every jurisdiction and authority possessed by a Police Magistrate under the laws of either of the said Provinces.

Jurisdiction of commissioners north and west of height of land.

3. The said Commissioners shall hold court together whenever this is practicable; and when so sitting, or when sitting apart, shall have co-ordinate authority; and no Justice of the Peace, Stipendiary Magistrate, or Commissioner of Police, appointed by the Lieutenant-Governor of either of the said Provinces, except the said Commissioners appointed under this agreement, shall hereafter exercise any jurisdiction or authority in criminal matters within Rat Portage.

Commissioners when practicable to sit together, and to have co-ordinate authority. No other provincial magistrates to have criminal jurisdiction at Rat Portage.

4. The said Commissioners shall appoint as a police force such constables as they may from time to time think necessary. Special constables may be appointed and sworn in in cases where the law so provides. Every constable so ap-

Appointment of constables.

pointed shall have authority in every part of the Disputed Territory North and West of the Height of Land. The Commissioners shall jointly have charge and control of the said police force and of all special and other constables. The Lieutenant-Governor of either Province may from time to time appoint additional and other constables at the expense of the Government appointing them. 5

Payment of commissioners and constables. 5. The salary of each Commissioner is to be borne by the Province appointing him, and each of the Provinces is to pay one-half of the expense of the police force employed jointly by the Commissioners. 10

Licenses heretofore issued at Rat Portage confirmed. 6. The licenses heretofore granted for Rat Portage or its neighbourhood under the authority of either Government, for taverns, shops, or public billiard tables, are hereby confirmed for the remainder of the year for which they have respectively been granted. 15

Commissioners to have authority to grant new licenses. 7. The said two Police Commissioners shall have the sole authority to grant new licenses for any of the said purposes in the said territory North and West of the Height of Land, but so that the whole number of tavern licenses in force in Rat Portage at one time shall not exceed twelve. 20

Laws of each Province in respect of the sale of spirituous liquors to apply to disputed territory. 8. The statutes in force in each Province in respect of the sale of fermented or spirituous liquors, and the regulation of licensed taverns and shops, and the penalties for the contravention of such statutes, shall, unless where otherwise provided by the present agreement, apply to the said Disputed Territory North and West of the Height of Land, as if the same were an undisputed part of such Province, and the said licenses had been issued under "The Liquor License Act of Ontario," and under the laws of Manitoba, respectively. If the laws of the said two Provinces conflict, the Commissioners shall have power to make regulations in respect of such matters, so as to remove the conflict. The issuing of licenses shall be subject to any valid paramount law in force from time to time. 25 30

Powers of commissioners as to licenses. 9. The said Commissioners shall have the powers possessed by a Board of License Commissioners under the said License Act of Ontario, and the powers possessed by a Municipal Council under the laws of Manitoba (subject to any paramount law), and shall in respect of the licensing, regulating and governing all persons who for hire or gain keep, or have in their possession, or on their premises, a billiard table or tables, have the powers which are possessed by the Council of a town in Ontario or Manitoba. Such powers may be exercised by resolution. 35 40

License fees. 10. The fees to be charged for the said licenses respectively shall be fixed by the said Commissioners, but the fee for a tavern license shall not be less than one hundred and fifty dollars, and the fee for a shop license not less than fifty dollars. No more than twelve tavern licenses shall be issued for Rat Portage. These sums are to cover all fees which may be payable by any one obtaining a license under any Provincial law, or any Dominion law, if any such should be in force. 45 50



**11.** The said Commissioners shall appoint an Inspector of Licenses who shall possess all the powers which are possessed by an Inspector of Licenses under the laws of either of the said Provinces. If the Commissioners cannot agree on the Inspector, each Lieutenant-Governor in Council may appoint an Inspector to hold office with the said powers until the Commissioners agree on one Inspector, and to be paid by the authority appointing him.

Appointment  
of inspector of  
licenses.

**12.** The fees collected for said licenses in Rat Portage, and all fines levied in Rat Portage, for offences against Provincial or Municipal laws, and all other fines under Provincial authority, levied for offences committed in Rat Portage, shall be deposited in some branch office of the Bank of Ontario at least once a week to the credit of the Provincial Commissioners, and shall be applied, by joint cheques signed by the two Commissioners, in the first place to pay those expenses of the Board which are not hereinbefore provided for, and the balance on the first day of every month to be paid over by joint cheque as aforesaid to the Municipal Board hereinafter provided for, to be applied by the said Board to the purposes of the Municipality.

Application  
of license fees  
and fines levied  
in Rat  
Portage.

**13.** All fees collected for licenses for taverns, shops or billiard tables outside of Rat Portage, and all fines levied for offences against Provincial or Municipal laws committed outside of Rat Portage, and all other fines under Provincial authority for offences committed outside of Rat Portage North and West of the Height of Land, shall be paid into the said Bank to the joint credit of the Treasurers of Manitoba and Ontario to be held in trust until the dispute as to the territory is decided.

Application of  
license fees and  
fines levied in  
territory out-  
side of Rat  
Portage.

**14.** The Commissioners shall render to each Government a quarterly account of their receipts and payments with such other information as either Government may call for.

Commissioners  
to render  
quarterly  
accounts.

**15.** The authority of the Council of Rat Portage, incorporated under the Statutes of Ontario and the by-laws thereof respectively are hereby suspended, and the Municipal affairs of the said Town shall be administered by a Municipal Board to be composed of five members, who shall hold office until the said territorial dispute is determined by Her Majesty in Council, or until otherwise agreed by the said Governments; provided that in case of a vacancy by death or resignation, or by a member of the said Board ceasing to reside in Rat Portage, the remaining members shall have the like authority for taking all necessary proceedings for the holding of an election to fill such vacancy as is possessed by a Town Council in Ontario or Manitoba. Alexander Matheson, Hudson Bay Factor, is to be Returning officer at the first election. The Board shall be a corporation under the name of "The Municipal Board of Rat Portage," and shall possess every power and authority possessed by Municipal Councils of Towns in either of the said Provinces.

Election of  
municipal  
board for  
Rat Portage.

**16.** For the purposes of the next preceding section, Rat Portage shall include all the territory which was included within the incorporation, or supposed incorporation of Rat Portage under the Statutes of either Ontario or Manitoba.

Territory in-  
cluded in  
Rat Portage.

Voters.

17. Every male person who is a British subject of the age of twenty-one years, and who is at the time of the election and for not less than six months has been a resident freeholder or resident householder in the Municipality, shall be entitled to vote at the election; and such election is to be held on the fourth Tuesday after the Legislature of Manitoba has passed an Act confirming this Agreement. 5

Notice of election, powers of returning officer.

18. The returning officer shall give notice of the place of holding every election under this Act, and shall, for the purposes of every election, have all the powers which belong to a returning officer at a municipal election under the laws of either of the said Provinces, and shall also have power to regulate and determine all matters and questions relating to the conduct of the election. 10

Oath of voter.

19. The returning officer shall, at the instance of any legal voter, require any person offering to vote to take the following oath or affirmation to be administered by the returning officer or any other person whom he may authorize. 15

"You swear (*or affirm, as the case may be*) that you are a British subject by birth or naturalization; that you are twenty-one years of age or upwards; that you are now and for not less than six months have been a resident freeholder (*or householder as the case may be*) in this municipality; that you have not before voted at this election; that you have not received anything, nor have you accepted of any promise made to you directly or indirectly, either to induce you to vote at this election, or to indemnify you for your loss of time, or for any service connected with this election. So help you God." 25

Provisions as to probates of wills, etc.

20. Probates of Wills and Letters of Administration hereafter granted by a Surrogate Court of either Province in the case of persons domiciled or dying in the disputed territory North and West of the Height of Land are to be as valid as if issued by the Surrogate Courts of both Provinces. 30

Provincial courts, judges, and magistrates to have jurisdiction in disputed territory.

21. With respect to suits and actions which may be hereafter brought, or with respect to matters which may hereafter take place, respectively, and with respect to all offences which the Provinces have jurisdiction to deal with in this behalf, the Courts, Judges, Magistrates, and other officers of each Province shall have the same jurisdiction in the Disputed Territory North and West of the Height of Land as if the territory were in such Province. 35 40

Courts, etc., of one Province not to interfere with those of the other.

22. With respect to all matters not provided for in the next preceding clauses, the Courts, Judges, Magistrates, Sheriffs and other officers of each Province shall not on any ground whatever interfere with the Courts, Judges, Magistrates, Sheriffs and other officers of the other Province pending the dispute. But this clause is not to prevent any individual from setting up the question of jurisdiction in or in respect of any matter not covered by the next preceding two clauses. 45

Courts not to be held at places where courts not hitherto held.

23. Except by the consent of the two Governments, no Courts are to be held at any places in the territory North and West of the Height of Land in which Courts of that Province have not hitherto been held. 50

24. All Magistrates who now hold Commissions from the Lieutenant-Governor of either Province, which would give them jurisdiction in the said territory North and West of the Height of Land if the same were part of that Province, shall have jurisdiction in the said territory as if they held Commissions from the other Province as well as from their own Province.

Commissions already granted to magistrates by one Province to confer same jurisdiction as if granted by both.

25. No Magistrate hereafter appointed by the Lieutenant-Governor of either Province shall have jurisdiction in the said territory North and West of the Height of Land until he receive a Commission from the Lieutenant-Governor of the other Province.

New commissions to confer no authority unless granted by both Provinces.

26. If in any suit or proceeding within Provincial jurisdiction the Boundary between Ontario and Manitoba do in the meantime come in question, the Court or other Judicial authority before which the question arises is, in dealing therewith, to take judicial notice of all the documents and facts which it has been agreed to submit to the Privy Council on the same question, and without the said documents and facts being put in evidence before such Court or other Judicial authority, and is to have power to draw such inferences from the said documents and facts as may be necessary.

Evidence in suits where boundary between Provinces is in question.

27. The agreement between the Governments of the two Provinces bearing date the eighteenth December, one thousand eight hundred and eighty-three, is hereby in all respects confirmed.

Agreement of December 18, 1883, confirmed.

28. This Act shall not go into effect until the Lieutenant-Governor has issued his Proclamation in that behalf.

Commencement of Act.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the Territory in dispute  
between this Province and the Province  
of Manitoba.

---

First Reading, 26th February, 1884.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to amend the Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as “The Railway Amendment Short title.  
5 Act, 1884.”

2. The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Company not  
entitled to  
mines without  
express  
agreement.

3. If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected therewith or within the prescribed distance, or where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose, and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and such owner, lessee or occupier do not agree as to the amount of such compensation the same shall be settled as in other cases of disputed compensation under “The Railway Act of Ontario.”

Mines not to  
be worked in  
certain cases  
if company so  
desires and  
makes com-  
pensation  
therefor.

4. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate, and if any damage or obstruction be occasioned to the railway or works by improper working of such mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good by the owner,

Mines may be  
worked if  
company does  
not give notice  
as to com-  
pensation.

lessee or occupier of such mines or minerals and at his own expense; and if such repair or removal be not forthwith done, or if the company shall so think fit without waiting for the same to be done by such owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from such owner, lessee or occupier the expense occasioned thereby by action in any court of competent jurisdiction. 5

Right to make airways, etc., where working of mines under railway prevented.

5. If the working of any such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon. 10 15 20

Compensation by company for loss by severance of mine.

6. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under the Railway Act of Ontario. 25 30 35

Power for company to enter mines for purpose of ascertaining whether working endangers railway.

7. For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked, or about so to be. 40 45

Penalty for refusing company access to mines.

8. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding one hundred dollars. 50 55

9. If it appear that any such mines have been worked contrary to the provisions of this Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury thereto ; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works and recover the expenses thereof from such owner, lessee, or occupier by action in any court of competent jurisdiction.

Works required for safety of railway to be constructed.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "The Railway Act of  
Ontario."

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First Reading, 26th February, 1884.

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MR. PARDEE.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to amend the Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Railway Amendment Act, 1884.*" Short title.

2. The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby. Company not entitled to mines without express agreement.

3. If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected therewith or within the prescribed distance, or where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose, and if the company ~~do~~ shew to the satisfaction of the Commissioner of Public Works ~~that~~ that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and such owner, lessee or occupier do not agree as to the amount of such compensation the same shall be settled as in other cases of disputed compensation under "*The Railway Act of Ontario.*" Mines not to be worked in certain cases if company so desires and makes compensation therefor.

4. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate, and if any damage or obstruction be occasioned to the railway or works by improper working of such Mines may be worked if company does not give notice as to compensation.

mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good by the owner, lessee or occupier of such mines or minerals and at his own expense; and if such repair or removal be not forthwith done, or if the company shall so think fit without waiting for the same to be done by such owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from such owner, lessee or occupier the expense occasioned thereby by action in any court of competent jurisdiction.

Right to make  
airways, etc.,  
where working  
of mines under  
railway pre-  
vented.

5. If the working of any such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, *the working whereof shall be* so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

Compensation  
by company  
for loss by  
severance of  
mine.

6. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under "*The Railway Act of Ontario.*"

Power for  
company to  
enter mines  
for purpose of  
ascertaining  
whether work-  
ing endangers  
railway.

7. For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked, or about so to be.

Penalty for  
refusing com-  
pany access  
to mines.

8. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall for every

such refusal, forfeit to the company a sum not exceeding one hundred dollars.

9. If it appear that any such mines have been worked contrary to the provisions of this Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury thereto ; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works and recover the expenses thereof from such owner, lessee, or occupier by action in any court of competent jurisdiction.

Works required for safety of railway to be constructed.

10. Where in this Act there occur any words or expressions which have meanings assigned to them by section 2 of "*The Railway Act of Ontario*," such words or expressions shall, in the construction of this Act, have the meaning assigned to them by said section 2.

Words in this Act to have the meaning assigned by R.S.O., c. 165, s. 2.

11. Sub-section 15 of section 20 of "*The Railway Act of Ontario*" is amended by adding thereto the following proviso, that is to say, "Provided however, that the right of desisting shall not be exercised more than once."

R.S.O., c. 165, s. 20, sub-s. 15, amended.

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1st Session, 5th Legislature, 47 Vic, 1884.

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BILL.

An Act to amend the Railway Act of  
Ontario.

*(Reprinted as amended.)*

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First Reading,	26th February,	1884.
Second "	6th March,	1884.

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Mr. PARDEE.

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TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



No. 102.]

## BILL.

[1884.]

An Act to amend "The Consolidated Municipal Act, 1883."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section six of section five hundred and four of the <sup>46 Vic. c. 18,</sup>  
5 said Act is hereby amended by inserting after the word <sup>s. 504, sub-sec.</sup>  
"town" in the sixth line of the said sub-section the following <sup>6, amended.</sup>  
words: "and for regulating the repairing or alteration of roofs  
or external walls of existing buildings within the said areas,  
so that the said buildings may be made more nearly fire  
10 proof."

2. Section four hundred and forty-five of the said Act is <sup>Sec. 445,</sup>  
hereby amended by adding thereto the following words: "Pro- <sup>amended.</sup>  
vided, however, that notwithstanding anything in this section  
or in section four hundred and forty-one contained, the said  
15 board shall not have power to exceed, without the consent of  
the council, the amount of the council's appropriation for police  
purposes for any year."

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

First Reading, February 26th, 1884.

Mr. GIBSON (*Hamilton*).

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

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No. 103.]

# BILL.

[1884.]

## An Act to Abolish Distress for Rent.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. The remedy by distress for the recovery of rent is hereby Distress for  
5 abolished. rent abolished.

No. 103.

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1st Session, 5th Legislature, 47 Vic. 1884.

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BILL.

An Act to Abolish Distress for Rents.

---

First Reading, 27th February, 1884.

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Mr. O'CONNOR.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend "The Consolidated Municipal Act, 1883."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Any County Council may restore to or confer on any local municipality or municipalities, in or between which any road belonging to the county or over which the county has jurisdiction, and whether the same is an original allowance for road opened by such county, or is a road laid out or acquired by purchase or otherwise by any county, sole jurisdiction over such road, and thereafter such local municipality or municipalities in or between which such road is situate, shall be bound to maintain the same, and the county shall thereafter be relieved from any liability in respect of such road. County Council may transfer jurisdiction over certain roads to local municipalities.
2. Section 532 of "The Consolidated Municipal Act, 1883," is hereby amended by striking out all the words therein after the words "by the Council" in the sixth line thereof, and commencing with the words in said sixth line, "and over all bridges." 46 V., c. 18, s. 532, amended.
3. Section 534 of the said Act is hereby amended by striking out all the words therein after the words "and substantial manner" in the sixth line thereof, and commencing with the words in said sixth line "and further the County Council." Section 534 amended.
4. Section 535 of the said Act is hereby repealed, and the following substituted therefor: Section 535 repealed.
535. Bridges shall be erected and maintained by the local municipalities having jurisdiction over the road on which such bridges are situated, and no County Council shall hereafter be bound to erect or maintain any bridge except a bridge assumed, or a bridge on a road assumed, by a County Council as a county bridge or county road. Local municipalities to erect and maintain bridges.
5. Section 536 of the said Act is hereby repealed, and the following substituted therefor: Section 536 repealed.
536. All township boundary lines not assumed by the County Council, including all bridges thereon, shall be opened, maintained, and improved by the Township Councils. Township boundary lines not assumed by County Council.
6. Section 537 of the said Act is hereby amended by striking out of the same all the words therein commencing with the word "except" in the fourth line thereof. Section 537 amended.

No. 104.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

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First Reading, 27th Feb., 1884.

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MR. LAIDLAW.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 105.]

## BILL.

[1884.

### An Act to amend the Act respecting Coroners' Inquests.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section three of chapter eleven of the Acts passed in the 43 Vic, c. 5 forty-third year of Her Majesty's reign (being an Act to amend 11, s. 3, repealed. the Act respecting Coroners' Inquests,) is hereby repealed and the following substituted therefor :—

2. The written request of the jury for one or more medical witnesses, referred to in section eight of chapter seventy-nine 10 of the Revised Statutes of Ontario, shall be attached by the coroner to each order given by him on the treasurer of the county for the payment of the fees of such medical witness or witnesses. Request for additional medical witness to be attached to order for payment of fees.

002  
No. 105.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend the Act respecting Coroners' Inquests.

---

First Reading, 27th February, 1884.

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Mr. WATERS.

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TORONTO

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Act respecting Coroners' Inquests.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section three of chapter eleven of the Acts passed in the 43 Vic, c. 5 forty-third year of Her Majesty's reign (being an *Act to amend the Act respecting Coroners' Inquests*), is hereby repealed and the following substituted therefor :—

3. The written request of the jury for *any additional* medical witnesses, *under the provisions of* section 8 of chapter 79 of the Revised Statutes of Ontario, *or a copy thereof certified by the Coroner*, shall be attached by the Coroner to each order given by him on the treasurer of the county for the payment of the fees of such medical witness or witnesses.

Request for additional medical witness to be attached to order for payment of fees.

No. 105.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to amend the Act respecting Coroners' Inquests.

*(Reprinted as amended.)*

First Reading, 27th February, 1884.

Second " 11th March, 1884.

MR. WATERS.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to amend "The Public Health Act, 1882."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section eighteen of "The Public Health Act, 1882," is hereby repealed, and the following is substituted therefor: 45 V. c. 29, s. 18, repealed.

18. Whenever any householder shall know that any person within his family has the *small-pox, scarlet fever, diphtheria, measles, typhus or typhoid fevers*, or any other disease dangerous to the public health, he shall immediately give notice thereof, *either verbally or in writing at the office of the Local Board of Health or to the health officers of the municipality in which he resides, stating the number of persons in his house who are or have been at the time attending school, naming the particular schools, the name of the physician in attendance, and such other information as may be deemed requisite by the said Board or officers in checking the spread of the disease.* Notice to be given by householder in case of small-pox, etc

2. Section nineteen of the said Act is hereby repealed, and the following substituted therefor:— Sec. 19 repealed.

19. Whenever any physician shall know that any person whom he is called upon to visit is infected with the small pox, *scarlet fever, diphtheria, measles, typhus, typhoid fever*, or any other disease dangerous to the public health, such physician shall immediately give notice, *either verbally or in writing*, to the Local Board of Health, or health officers of the municipality in which such diseased person may be, *giving the name and residence of such patient or patients, and specifying the nature of the disease.* Notice to be given by physician.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "The Public Health Act."

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First Reading, 27th February, 1884.

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Mr. GIBSON, (*Hamilton.*)

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TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.



## An Act respecting Water Works and Gas Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where any municipal corporation has constructed any  
 5 gas or water works for supplying the municipality with gas or water, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant or  
 10 other person in charge of any such building. Municipal corporation owning works to supply with gas or water buildings on line of supply, on request.
2. Where a company, whether incorporated or unincorporated, has constructed any gas or water works for supplying any municipality or municipalities with gas or water it shall be the duty of such company to supply with gas or water all  
 15 buildings situate upon land lying along the line of any supply pipe of the company, upon the same being requested by the owner, occupant or other person in charge of any such building. Company owning works to supply gas or water to buildings on line of supply, on request.
3. The charges to be made to all consumers using similar quantities of gas or water shall be as nearly as may be equal;  
 20 provided that reduced rates may be granted where unusual quantities are required and taken by the owners or occupants of any building or buildings, or in order to encourage the use of gas or water for certain specified purposes which the corporation or company deems it its interest to encourage. Charges to consumers.
4. The corporation or company, before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building. Corporation or company may require security from consumer.
5. The quantity used shall be determined by actual measurement or, in the case of water, by means of general regulations fixing specific rates having regard to the number of taps, rooms, baths and other conveniences in the building or in respect of the number in a family, or by means of meters or of such other  
 35 regulations as the corporation or company may lawfully adopt. Mode of measurement.
6. Nothing in this Act contained shall be construed in any way to affect the liability of any corporation or company in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of  
 40 the corporation or company in respect thereto shall remain as if this Act had not been passed. Liability for failure of supply not affected.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting Water Works and Gas  
Companies.

First Reading, 27th February, 1884.

Mr. HARDY.

TORONTO:

PRINTED BY THE "G.M.P." PRINTING AND PUBLISHING CO.

## An Act respecting License Duties.

WHEREAS the Parliament of Canada at the session thereof, held in the year one thousand eight hundred and eighty-three, passed an Act entitled "The Liquor License Act of 1883," purporting to deal with the issue of licenses for the sale of liquor, and with the regulation of taverns, saloons, shops and vessels wherein liquor may be sold, and otherwise as by said Act is provided; and

Preamble.

Whereas by the second sub-section of the seventh section of said Act it is provided as follows:

2. "But hotel, saloon and shop licenses and such other of the licenses by this Act authorized to be issued, as to which a Provincial Legislature may impose a tax in order to the raising of a revenue, shall be subject to the payment of such duty as the Legislature of the Province, under the power conferred on it by the ninth enumerated class of subjects in section ninety-two of "*The British North America Act, 1867*," may impose for the purpose of raising or in order to raise a revenue for provincial, local or municipal purposes."

And whereas by the second sub-section of the fortieth section of said Act it is further provided as follows:

2. "Provided always that in any Province in which, in order to the raising of a revenue for provincial, local or municipal purposes, a duty has been imposed under the authority of "*The British North America Act, 1867*," on any license, before the license issues, the person entitled thereto shall establish, to the satisfaction of the Chief Inspector, that he has paid or tendered such duty."

And whereas the Legislature of this Province claims and contends that the right to legislate in respect of the aforesaid licenses and otherwise as to the sale of spirituous and fermented liquors and to regulate the sale thereof and the houses in which the same is sold, is by "*The British North America Act*" conferred upon Provincial Legislatures exclusively.

Whereas, nevertheless, should the said Act of the Parliament of Canada, notwithstanding the said claim and contention of the Legislature of this Province, be held to be valid, it becomes necessary in order to the raising of a revenue for provincial, local and municipal purposes that a duty be imposed upon the licenses aforesaid, which may be issued under the authority of the said Act of the Parliament of Canada;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

License duties payable in respect of tavern and other licenses which may be issued under Dominion Liquor License Act of 1883.

1. The following license duties shall be payable upon and in respect of any of the licenses hereinafter mentioned which may be issued under and by virtue of the said Act of the Parliament of Canada, namely: "The Liquor License Act of 1883," that is to say:	5
For each tavern, saloon or shop license in cities, the sum of.....\$	
For each tavern, saloon or shop license in towns, the sum of.....\$	
For each tavern or shop license in an incorporated village, the sum of.....\$	10
For each tavern or shop license in townships, the sum of.....\$	
For each wholesale license within the authority of the Legislature of this Province.....\$	15
For each license for a vessel within the authority of the Legislature of this Province, the sum of....\$	
An additional duty of.....\$	
shall be paid upon the transfer or removal of any of the aforesaid licenses.	20

To whom duties are to be paid.

2. The said duties shall be paid by the person or persons or corporation to whom or in whose favour any such license may issue to the License Inspector appointed by the Lieutenant-Governor under the Ontario "Liquor License Act," for that portion of the license district, created under the said "Liquor License Act, 1883," in which the premises for which a license is sought are situated; and in the event of there being no such License Inspector, then the same shall be paid into any chartered bank situate within the license district, to the credit of the Treasurer of the said Province.	25 30
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Application of payments.

3. The said duties when so paid to the Inspector shall be paid by him into the license fund provided for by the said "Liquor License Act" of Ontario, and shall form part and parcel thereof. The same shall be applied under regulations of the Lieutenant-Governor in Council in the manner and for the purposes as provided by the thirty-fourth section of the said "Liquor License Act." The sums and proportions thereof to be paid over to the Treasurer of the Province for the exclusive use of the Province, and to the several municipalities interested in the fund, shall be the same as by the said thirty-fourth section is provided.	35 40
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If a municipality imposes larger duties than above, excess to be paid to treasurer of municipality.

4. Where any municipality, by by-law, requires—as it lawfully may do—larger duties to be paid upon and in respect of tavern or shop licenses than those hereinbefore specifically mentioned, the whole of such excess shall be paid over to the Treasurer of such municipality by the Inspector and Commissioners appointed under the said "Liquor License Act" of Ontario.	45
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Payment may be enforced by distress.

5. In the event of any such license as aforesaid being issued without the foregoing duties or the duties by way of excess which may be imposed by any municipal by-law, as aforesaid, being first paid the same shall forthwith become a debt due by the person, or persons, or company to whom, or in whose favour the same was issued, to Her Majesty, and shall	50
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become a lien and charge upon the goods and chattels of the person, or persons, or company to whom, or in whose favour, the said license was issued, and upon any goods and chattels in or upon the licensed premises, and also upon the said  
 5 licensed premises, in the same manner and to the same extent as in the case of taxes, as provided by the one hundred and fifth section of "The Assessment Act." The License Inspector to whom the said duties upon any license should have been paid shall forthwith collect the same in the same manner,  
 10 as nearly as may conveniently be done, as the collector of rates and taxes may collect the latter under the Assessment Act, and may levy the amount unpaid and costs by distress and sale of the goods and chattels of the person, persons, or company in whose favour the said license was  
 15 issued, or by distress and sale of any goods and chattels which may be found upon the licensed premises. The Inspector may either levy the said duties or may issue his warrant to his bailiff or agent for the purposes aforesaid. The costs chargeable shall be those payable to bailiffs under "The Division  
 20 Courts Act." The demand and delay required by the ninety-third section of the said Assessment Act shall not be necessary nor shall the entry of the said duties upon a collector's roll be requisite.

6. In the event of the said Inspector being unable to realize  
 25 sufficient to pay the amount due and costs by such levy and sale of goods and chattels, he shall, where the licensed premises are situate in a city or town set apart from the county, return the amount due to the city or town treasurer, and where the licensed premises are situ-  
 30 ate in any other municipality he shall return the amount due to the County Treasurer. Any such treasurer shall realize the amount due and costs by the sale within one year from the date of such return to him of the licensed pre-  
 35 mises or such part thereof as may be necessary for the purpose, and the proceedings in and about such sale and the conveyance of the premises sold shall be as nearly as conveniently may be the same as those provided by the said Assessment Act.

If distress insufficient, licensed premises may be sold.

7. The words "Licensed premises" in this Act shall mean the same as in the said "Liquor License Act, 1883."

"Licensed premises," meaning of.

40 8. "License Inspector" when used herein shall mean an Inspector appointed by the Lieutenant-Governor under the Ontario "Liquor License Act."

"License Inspector," meaning of.

9. Nothing in this Act contained shall be held or construed to be in any wise an admission by this Legislature of the  
 45 validity of the said "Liquor License Act, 1883."

Validity of Dominion Act not admitted.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

. An Act respecting License Duties.

First Reading, 27th February, 1884.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act respecting License Duties.

WHEREAS the Parliament of Canada at the session Preamble.  
 thereof, held in the year one thousand eight hundred  
 and eighty-three, passed an Act entitled "The Liquor License  
 Act of 1883," purporting to deal with the issue of licenses for  
 5 the sale of liquor, and with the regulation of taverns, saloons,  
 shops and vessels wherein liquor may be sold, and otherwise as  
 by said Act is provided; and

Whereas by the second sub-section of the seventh section of  
 said Act it is provided as follows:

- 10 2. "But hotel, saloon and shop licenses and such other of the  
 "licenses by this Act authorized to be issued, as to which a  
 "Provincial Legislature may impose a tax in order to the rais-  
 "ing of a revenue, shall be subject to the payment of such duty  
 "as the Legislature of the Province, under the power conferred  
 15 "on it by the ninth enumerated class of subjects in section  
 "ninety-two of "*The British North America Act, 1867*," may  
 "impose for the purpose of raising or in order to raise a revenue  
 "for provincial, local or municipal purposes."

And whereas by the second sub-section of the fortieth section  
 20 of said Act it is further provided as follows:

2. "Provided always that in any Province in which, in  
 "order to the raising of a revenue for provincial, local or  
 "municipal purposes, a duty has been imposed under the  
 "authority of "*The British North America Act, 1867*," on any  
 25 "license, before the license issues, the person entitled thereto  
 "shall establish, to the satisfaction of the Chief Inspector, that  
 "he has paid or tendered such duty."

And whereas the Legislature of this Province claims and  
 contends that the right to legislate in respect of the aforesaid  
 30 licenses and otherwise as to the sale of spirituous and fermented  
 liquors and to regulate the sale thereof and the houses in  
 which the same is sold, is by "*The British North America Act*"  
 conferred upon Provincial Legislatures exclusively.

And whereas, apart from the hereinbefore recited sub-  
 35 sections of the seventh and fortieth sections of the said "Liquor  
 License Act, 1883," the authority to impose duties upon shop,  
 saloon, tavern and other licenses, is in order to the raising of  
 a revenue for provincial, local or municipal purposes vested in  
 the Legislature of this Province by "*The British North Amer-  
 40 ica Act, 1867*."

Whereas, nevertheless, should the said Act of the Parliament  
 of Canada, notwithstanding the said claim and contention of

the Legislature of this Province, be held to be valid, it becomes necessary in order to the raising of a revenue for provincial, local and municipal purposes that a duty be imposed upon the licenses aforesaid, which may be issued under the authority of the said Act of the Parliament of Canada ; 5

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

License duties payable in respect of tavern and other licenses which may be issued under Dominion Liquor License Act of 1883.

1. The following license duties shall be payable upon and in respect of any of the licenses hereinafter mentioned which may be issued under and by virtue of the said Act of the Parliament of Canada, namely: "The Liquor License Act of 1883," that is to say :

For each <i>hotel or</i> tavern, saloon or shop license in cities, the sum of.....	\$300 00	15
For each <i>hotel or</i> tavern, saloon or shop license in towns, the sum of.....	\$250 00	
For each <i>hotel or</i> tavern or shop license in an incorporated village, the sum of.....	\$150 00	
For each <i>hotel or</i> tavern or shop license in townships, the sum of.....	\$120 00	20
For each wholesale license within the authority of the Legislature of this Province.....	\$350 00	
For each license for a vessel within the authority of the Legislature of this Province, the sum of....	\$250 00	25
An additional duty of .....	\$ 20 00	
shall be paid upon the transfer or removal of any of the aforesaid licenses.		

To whom duties are to be paid.

2. The said duties shall be paid by the *licensee* to the License Inspector appointed by the Lieutenant-Governor under the Ontario "Liquor License Act," for that portion of the license district, created under the said "Liquor License Act, 1883," in which the premises for which a license is sought are situated ; and in the event of there being no such License Inspector, then the same shall be paid into any chartered bank situate within the license district, to the credit of the Treasurer of the said Province. 35

Application of payments.

3. The said duties when so paid to the Inspector shall be paid by him into the license fund provided for by the said "Liquor License Act" of Ontario, and shall form part and parcel thereof. The same shall be applied under regulations of the Lieutenant-Governor in Council in the manner and for the purposes as provided by the thirty-fourth section of the said "Liquor License Act." The sums and proportions thereof to be paid over to the Treasurer of the Province for the exclusive use of the Province, and to the several municipalities interested in the fund, shall be the same as by the said thirty-fourth section is provided. 45

If a municipality imposes larger duties than above, excess to be paid to treasurer of municipality.

4. Where any municipality, by by-law, requires—as it lawfully may do—larger duties to be paid upon and in respect of tavern or shop licenses than those hereinbefore specifically mentioned, the whole of such excess shall be paid over to the Treasurer of such municipality by the Inspector and Commissioners appointed under the said "Liquor License Act" of Ontario. 55





5. The duties upon or in respect of licenses by this Act made payable are not nor is any part thereof the same or identical with the duties payable upon or in respect of licenses under the "*Liquor License Act*" of Ontario, or any amendments thereto. Duties under this Act not identical with duties under other Acts.



6. In the event of any such license as aforesaid being issued without the foregoing duties or the duties by way of excess which may be imposed by any municipal by-law, as aforesaid, or any part thereof, being first paid the same shall forthwith become a debt due by the licensee to Her Majesty for the use of the Province, and shall become a lien and charge upon the goods and chattels of the licensee, and upon any goods and chattels in or upon the licensed premises, and also upon the said licensed premises, to the full extent of the interest thereon, real or personal, of the licensee, in the same manner and to the same extent as in the case of taxes, as provided by the one hundred and fifth section of "*The Assessment Act*." The License Inspector to whom the said duties upon any license should have been paid shall forthwith collect the same in the same manner, as nearly as may conveniently be done, as the collector of rates and taxes may collect the latter under the Assessment Act, and may levy the amount unpaid and costs by distress and sale of the goods and chattels of the licensee, or of his chattel or personal interest in the aforesaid premises at the time of the issue of said license, or by distress and sale of any goods and chattels which may be found upon the licensed premises. The Inspector may either levy the said duties or may issue his warrant to his bailiff or agent for the purposes aforesaid. The costs chargeable shall be those payable to bailiffs under "*The Division Courts Act*." The demand and delay required by the ninety-third section of the said Assessment Act shall not be necessary nor shall the entry of the said duties upon a collector's roll be requisite. Payment may be enforced by distress.

7. In the event of the said Inspector being unable to realize sufficient to pay the amount due and costs by such levy and sale of goods and chattels, or of any chattel or personal interest in the aforesaid premises of the licensee, he shall, where the licensed premises are situate in a city or town set apart from the county, return the amount due to the city or town treasurer, and where the licensed premises are situate in any other municipality he shall, if the licensee has any interest in the said premises other than a chattel or personal interest, return the amount due to the County Treasurer. Any such treasurer shall realize the amount due and costs by the sale within one year from the date of such return to him of the interest of the said licensee in the said licensed premises at the time of the issue of the said license, or in such part of such licensed premises as may be necessary for the purpose, and the proceedings in and about such sale and the conveyance of the premises sold shall be as nearly as conveniently may be the same as those provided by the said Assessment Act. If distress insufficient, licensed premises may be sold.

8. The words "Licensed premises" in this Act shall mean the same as in the said "*Liquor License Act*, 1883." "Licensed premises," meaning of.

"Licensee."  **9.** The word "licensee" in this Act shall mean and include any person or persons or company to whom or in whose favour any license shall issue under or by virtue of the said Liquor License Act, 1883. 

"License Inspector," meaning of. **10.** "License Inspector" when used herein shall mean an Inspector appointed by the Lieutenant-Governor under the Ontario "Liquor License Act." 5

Validity of Dominion Act not admitted. **11.** Nothing in this Act contained shall be held or construed to be in any wise an admission by this Legislature of the validity of the said "Liquor License Act, 1883,"  nor any adoption or enactment thereof, or of any part thereof, under the ninety-fourth section of "The British North America Act, 1867."  10

## BILL.

An Act respecting License Duties.

*(Reprinted as amended by Committee of the whole House.)*

First Reading, 27th February, 1884.  
Second " 6th March, 1884.

Mr. HARDY..

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to prevent the Spread of Contagious Disease  
among Horses and other Domestic Animals.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. In this Act—

Interpretation

- 5 "Animals" means, except where it is otherwise expressed, "Animals."  
bulls, cows, oxen, heifers, calves, sheep, horses, swine, goats,  
and all animals of whatsoever kind ;
- "Disease," means glanders or farcy ; "Disease."
- "Diseased," means affected with disease ; "Diseased."
- 10 "Justice," means justice of the peace ; "Justice."
- "Court of Summary Jurisdiction," means two or more "Court of  
justices sitting at a court or other public place appointed in Summary  
that behalf, or a police, stipendiary, or other magistrate or Jurisdiction."
- 15 a police court or other place appointed in that behalf ;
- "Veterinarian," means a veterinary surgeon, duly qualified "Veterinar-  
to practise in the Province of Ontario ; ian."
- "Place," means and includes any public highway, street, "Place."  
road, lane, alley, way, or other communication, as well as any  
20 public place or square.

2. Where it appears to any person that any horse or other Notice to  
animal is diseased, such person may notify any justice having Justice by  
jurisdiction in the municipality ; and the justice, if in his person to  
opinion there is reasonable cause therefor, shall forthwith by whom it ap-  
25 writing under his hand, direct a competent veterinarian to pears that any  
inspect the animal alleged to be diseased. animal is  
diseased.

- (2) The veterinarian, on receiving such direction, shall with Inspection  
all practicable speed make an inspection, and report his opinion and report.  
30 in writing to the justice.

3. Where it appears to a veterinarian that any horse or other Notice by  
animal is diseased, he shall forthwith notify the owner or veterinarian.  
other person in charge of the animal, and shall also give  
notice to a justice having jurisdiction as aforesaid.

4. All notices under this Act shall be in writing or print, Direction as  
35 or partly in writing and partly in print, and any notice given to notices.  
to a justice shall contain the name and residence of the owner  
of the animal or other person in charge thereof where the same  
are known.



Owner after  
notice to keep  
animal from  
contact with  
other animals.

5. After the owner or other person in charge has received notice from a veterinarian that any animal is diseased it shall be unlawful to turn out, drive or lead, or to cause such animal to be driven or led, through any place where it may be brought into contact with or be in danger of transmitting disease to other animals, until it has been determined by proper authority that the animal to which the notice relates is free from disease. 5

Summons.

6. The justice, on receiving from any veterinarian a notice or report stating that any animal is or appears to be diseased, shall forthwith issue a summons, directed to the owner or other person in charge of the animal, requiring him to appear before a court of summary jurisdiction, at a time and place to be specified in such summons, to shew cause why the said animal should not be destroyed. 10

Procedure.

7. The proceedings on such notice and summons shall be regulated by the Act respecting summary convictions before Justices of the Peace, which shall apply to cases under this Act. 15

Court may  
make order  
for destruc-  
tion, etc., of  
animal.

8. In case it appears to the court of summary jurisdiction, by the evidence of a competent veterinarian, that the animal in respect of which the summons was issued is diseased, the Court shall make an order for the killing and burying or burning of such animal (describing the same according to the tenor of the description given in the notice or report, and in the evidence) within twenty-four hours, and in default thereof may impose a fine not exceeding \$100, and a further sum of \$50 for every twelve hours thereafter until the same is killed and buried or burned; and all penalties imposed under this section shall be applied to the use of the municipality. 20 25

Penalty for  
default.

(2) The Court may in any case require further evidence to the disease, and may for that purpose appoint a second veterinarian to report to them, and they may thereafter, with or without any further hearing, make such order as may seem just. 30

Duty of owner  
as to diseased  
animal  
respecting  
which no  
notice given.

9. Every person, having in his possession or under his charge any animal which is or appears to be diseased, but respecting which no notice has been given as aforesaid, shall, as far as practicable, keep such animal separate from other animals not so diseased, and shall with all practicable speed give notice to a veterinarian of the existence or supposed existence of the disease. 35 40

(2) Any veterinarian shall, on receipt of such notice, with all practicable speed, inspect the said animal, and if the disease appears to exist shall forthwith notify the person in possession or charge of the animal, and a justice, as directed in other cases. 45

Duty of owner  
of animal  
which has  
been exposed  
to contagion.

10. No owner, or other person in charge thereof, shall turn out, lead or drive any horse or other animal, knowing such animal to have been kept in the same stable with any diseased animal, or otherwise exposed to contagion or infection, upon, or through any place without a license from a veterinarian first had and obtained, or without other order from the Court in that behalf. 50



11. The Court may make an order on the treasurer of the municipality, in favour of any veterinarian acting hereunder, for the payment of such witness or other fees or remuneration as may be deemed just, and the treasurer shall pay the sum mentioned in such order to such veterinarian out of any funds he may then have in the municipal treasury.

Fees to veterinarian.

12. If any person obstructs or impedes a veterinarian, constable or other officer acting in execution of this Act, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the veterinarian, constable or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a justice to be dealt with according to law.

Arrest of persons impeding execution of Act.

13. For the purposes of proceedings under this Act every offence against this Act shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Where offences shall be deemed to have been committed.

14. A veterinarian shall have, for purposes of this Act, power at any time to enter any land or building wherein he has reasonable grounds for supposing that there is any animal affected with disease.

Veterinarian to have right to enter on lands, etc.

15. Any person violating any of the provisions herein contained, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall, on conviction, forfeit and pay a sum not exceeding \$100 for each offence.

Penalty.

16. The certificate of a veterinarian to the effect that any animal is diseased shall, for the purposes of this Act, be sufficient *prima facie* evidence in all courts and elsewhere of the matter certified.

Certificate of veterinarian to be *prima facie* evidence.

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to prevent the spread of Contagious  
Disease among Horses and other Dom-  
estic Animals.

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First Reading, 28th February, 1884.

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Mr. DRYDEN.

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TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to prevent the Spread of Contagious Diseases  
among Horses and other Domestic Animals.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. In this Act—

Interpreta-  
tion.

5 "Disease," means glanders or farcy;

"Disease."

"Diseased," means affected with disease;

"Diseased."

"Justice," means justice of the peace;

"Justice."

"Court of Summary Jurisdiction," means two or more justices sitting at a court or other public place appointed in  
10 that behalf, or a police, stipendiary, or other magistrate or  
officer however designated, having by law power to act for  
any purpose with the authority of two justices, and sitting at  
a police court or other place appointed in that behalf;

"Court of  
Summary  
Jurisdiction."

15 "Veterinarian," means a veterinary surgeon, duly registered  
by the Ontario Veterinary Association;

"Veterinarian."

"Place," means and includes any public highway, street,  
road, lane, alley, way, or other communication, as well as any  
public place or square.

"Place."

20 (1) Where it appears to any person that any horse or other  
animal is diseased, such person may notify any justice having  
jurisdiction in the municipality; and the justice, if in his  
opinion there is reasonable cause therefor, shall forthwith by  
writing under his hand, direct a competent veterinarian to  
inspect the animal alleged to be diseased.

Notice to  
Justice by  
person to  
whom it ap-  
pears that any  
animal is  
diseased.

25 (2) The veterinarian, on receiving such direction, shall with  
all practicable speed make an inspection, and report his opinion  
in writing to the justice.

Inspection  
and report.

30 (3) Where it appears to a veterinarian that any horse or other  
animal is diseased, he shall forthwith notify the owner or  
other person in charge of the animal, and shall also give  
notice to a justice having jurisdiction as aforesaid.

Notice by  
veterinarian.

35 (4) All notices under this Act shall be in writing or print,  
or partly in writing and partly in print, and any notice given  
to a justice shall contain the name and residence of the owner  
of the animal or other person in charge thereof where the same  
are known.

Direction as  
to notices.

5. (1) After the owner or other person in charge has received

Owner after

notice to keep animal from contact with other animals. notice from a veterinarian that any animal is diseased it shall be unlawful to turn out, drive or lead, or to cause such animal to be *turned out*, driven or led through any place where it may be brought into contact with or be in danger of transmitting disease to other animals, until it has been determined by proper authority that the animal to which the notice relates is free from disease. 5

(2) The justice, upon receiving the report of a veterinarian that an animal is diseased may at once issue his order to a constable, directing him to seize and detain such animal, and 10 cause the same to be kept in some place where it will not be brought in contact with, or be in danger of transmitting the disease to other animals, until the case has been determined by the court.

**Summons.**

6. The justice, on receiving from any veterinarian a notice or 15 report stating that any animal is or appears to be diseased, shall forthwith issue a summons, directed to the owner or other person in charge of the animal, requiring him to appear before a court of summary jurisdiction, at a time and place to be specified in such summons, to shew cause why the said animal 20 should not be destroyed.

**Procedure.**

7. The proceedings on such notice and summons shall be regulated by the Act respecting summary convictions before Justices of the Peace, which shall apply to cases under this Act. 25

**Court may make order for destruction, etc., of animal.**

8. (1) In case it appears to the court of summary jurisdiction, by the evidence of *one or more* competent veterinarians, that the animal in respect of which the summons was issued is diseased, the Court shall make an order for the killing and burying or burning of such animal (describing the same according to the 30 tenor of the description given in the notice or report, and in the evidence) within twenty-four hours, and in default thereof may impose a fine not exceeding \$100, and a further sum of \$50 for every twelve hours thereafter until the same is killed and buried or burned; and all penalties imposed under this section 35 shall be applied to the use of the municipality.

**Penalty for default.**

(2) The Court may in any case require further evidence as to the disease, and may for that purpose appoint *one or more* veterinarians to report to them, and they may thereafter, with or without any further hearing, make such order as may seem 40 just.

**Duty of owner as to diseased animal respecting which no notice given.**

9. (1) Every person, having in his possession or under his charge any animal which is or appears to be diseased, but respecting which no notice has been given as aforesaid, shall, as far as practicable, keep such animal separate from other 45 animals not so diseased, and shall with all practicable speed give notice to a veterinarian of the existence or supposed existence of the disease.

(2) Any veterinarian shall, on receipt of such notice, with all practicable speed, inspect the said animal, and if the 50 disease appears to exist shall forthwith notify the person in possession or charge of the animal, and a justice, as directed in other cases.



10. No owner, or other person in charge thereof, shall turn out, lead or drive any horse or other animal, knowing such animal to have been kept in the same stable with any diseased animal, or otherwise exposed to contagion or infection, in, upon, or through any place without a license from a veterinarian first had and obtained, or without other order from the Court in that behalf.

Duty of owner of animal which has been exposed to contagion.

11. The Court may make an order on the treasurer of the municipality, in favour of any veterinarian acting hereunder, for the payment of such witness or other fees or remuneration as may be deemed just, and the treasurer shall pay the sum mentioned in such order to such veterinarian out of any funds he may then have in the municipal treasury.

Fees to veterinarian.

12. If any person obstructs or impedes a veterinarian, constable or other officer acting in execution of this Act, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the veterinarian, constable or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a justice to be dealt with according to law.

Arrest of persons impeding execution of Act.

13. For the purposes of proceedings under this Act every offence against this Act shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Where offences shall be deemed to have been committed.

14. Any person violating any of the provisions herein contained, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall, on conviction, forfeit and pay a sum not exceeding \$100 for each offence.

Penalty.

15. The certificate of a veterinarian to the effect that any animal is diseased shall, for the purposes of this Act, be sufficient *prima facie* evidence in all courts and elsewhere of the matter certified.

Certificate of veterinarian to be *prima facie* evidence.

BILL.

An Act to prevent the spread of Contagious  
Diseases among Horses and other Do-  
mestic Animals.

*(Reprinted as amended.)*

First Reading, 28th February, 1884.  
Second " 12th March, 1884.

MR. DRYDEN.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act respecting the property of Married Women.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Married Women’s Short title,  
5 Property Act, 1884.”

2. A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee. Married women to be capable of holding property as a *feme sole*.

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shewn.

(4) Every contract entered into by a married woman with respect to and to bind her separate property, shall bind not only the separate property which she is possessed of or entitled to, at the date of the contract, but also all separate property which she may thereafter acquire. (Imp. 45-46 Vic., c. 75, s. 1; R. S. O., c. 125, s. 19.)

3. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill. (Imp. 45-46 Vic. c. 75, s. 2; R. S. O., c. 125, ss. 2-5.) Property of a woman married after this Act to be held by her as a *feme sole*.

Execution of  
general power.

4. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act. (Imp. 45-46 Vic., c. 75, s. 4.)

5

Property  
acquired after  
this Act by a  
woman  
married  
before this Act  
to be held by  
her as a *feme  
sole*.

5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid. (Imp. 45-46 Vic., c. 75, s. 5; R. S. O., c. 125, ss. 2, 15.)

As to stock,  
etc., to which  
a married  
woman is  
entitled.

6. All deposits, all sums forming part of public stocks or funds, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, sum forming part of public stocks, funds, or of any share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorize and empower her to receive or transfer the same, and to receive the dividends, interests, and profits thereof, without the concurrence of her husband, and to indemnify all public officers, and all directors, managers, and trustees of every such corporation, company, public body, or society as aforesaid, in respect thereof. (Imp. 45 Vic., c. 75, s. 6; R. S. O., c. 125, ss. 22, 23.)

As to stock,  
etc., to be  
transferred,  
etc., to a mar-  
ried woman.

7. All such particulars mentioned in the preceding section, which after the commencement of this Act shall be placed, or transferred in or into, or made to stand, in the sole name of any married woman shall be deemed, unless and until the contrary be shewn, to be her separate property, in respect of which, so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not; Provided always, that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any statute, charter, by-law, articles of association, or deed of settlement regulating such corporation or company. (Imp. 45-46 Vic., c. 75, s. 7.)

Proviso.

Investments  
in joint  
names of  
married  
women and  
others.

8. All the provisions hereinbefore contained as to such particulars mentioned in section six, which at the commencement of this Act shall be standing in the sole name of a



married woman, or which, after that time, shall be, or placed, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be placed, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband. (Imp. 45-46 Vic., c. 75, s. 8; R. S. O., c. 125, ss. 19, 22, 23.)

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such particulars named in the sixth section, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman, and any other person or persons not being her husband. (Imp. 45-46 Vic., c. 75; 26, s. 9.)

As to stock, etc., standing in the joint names of a married woman and others.

10. If any investment in any of the particulars set forth in the sixth section shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section fifteen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, of any property, in fraud of his creditors, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any property or moneys so deposited or invested may be followed as if this Act had not been passed. (Imp. 45-46 Vic., c. 75, s. 10; R. S. O. c. 125, s. 24.)

Fraudulent investments with money of husband.

11. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property, as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other. (Imp. 45-46 Vic., c. 75, s. 12; R. S. O. c. 125, s. 20; c. 62, ss. 4, 8; 45 V. c. 10, s. 4.)

Remedies of married woman for protection and security of separate property.

12. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act

Wife's ante-nuptial debts and liabilities.

Proviso.

shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract or wrong, as aforesaid. (Imp. 45-46 Vic., c. 75, s. 13; R. S. O. c. 125, ss. 15, 17, 20.)

Husband to be liable for his wife's debts contracted before marriage to a certain extent.

**13.** A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been *bonâ fide* recovered against him in any proceeding at law, in respect of any such debts, contracts or wrongs for or in respect of which his wife was liable before her marriage as aforesaid; but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid. (Imp. 45-46 Vic., c. 75, s. 14; R. S. O. c. 125, ss. 16, 17.)

Proviso.

Suits for antenuptial liabilities.

**14.** A husband and wife may be jointly sued in respect of any such debt or other liability (whether for contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only. (Imp. 45-46 Vic., c. 75, s. 15.)

Questions between husband and wife as to property to be decided in a summary way.

**15.** In any question between husband and wife as to the title to or possession of property, either party, or any corporation, company, public body, or society in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise, in a summary way, to any judge of the High Court of Justice, or (at the option of the applicant, irrespectively of the value of the property in dispute) to the judge of the county court of the county in which either party resides, and the judge may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit; or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit.



(2) Any order of a judge of the High Court, made under the provisions of this section, shall be subject to appeal in the same way as an order made by the same judge in a suit in the said court would be.

5 (3) Any order of a county court, under the provisions of this section, shall be subject to appeal in the same way as any other order made by the same court would be.

(4) All proceedings in a county court, under this section, in which, by reason of the character or value of the property in  
10 dispute, such court would not have had jurisdiction if this Act had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court, by writ of *certiorari*, or otherwise, as may be prescribed by any rule of the Supreme Court of Ontario; but  
15 any order made or act done in the course of the proceedings, prior to the removal, shall be valid, unless order is made to the contrary by such High Court. (R. S. O., c. 43, s. 24.)

(5) The judge of the High Court, or county court, if either party so require, may hear any such application in his private  
20 room.

(6) Any such corporation, company, public body, or society, as aforesaid, shall, in the matter of any such application, for the purposes of costs or otherwise, be treated as a stakeholder only. (Imp. 45-46 Vic., c. 75, s. 17.)

25 **16.** A married woman, who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly as  
aforesaid, of property subject to any trust, may sue or be sued, and may transfer or join in transferring, in that character, any  
30 such particulars as mentioned in the sixth section, without her husband, as if she were a *feme sole*. (Imp. 45-46 Vic., c. 75, s. 18.)

Married woman as an executrix or trustee.

**17.** Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to  
35 be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement,  
40 agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement  
45 or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors. (Imp. 45-46 Vic., c. 75, s. 19; R. S. O. c. 125, s. 26.)

Saving of existing settlements, and the power to make future settlements.

50 **18.** A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren: Provided always, that nothing in this Act shall relieve her hus-

Married woman to be liable for the maintenance of her children.

band from any liability imposed upon him by law to maintain her children or grandchildren.

In what cases a married woman may obtain an order of protection for the earnings of her minor children.

19. Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence, or any married woman whose husband from habitual drunkenness, profligacy, or other cause, neglects or refuses to provide for her support and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner as if she continued sole and unmarried. (R. S. O. c. 125, s. 8.)

Purport and effect of such order.

How and by whom an order discharging protection may be obtained.

(2) The married woman may at any time apply, or the husband or any of the husband's creditors may at any time on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made the same may be registered or filed like the original order. (*Ib.* s. 9.)

Either order may be in duplicate. By whom to be made in cities and towns. Registration.

(3) Either order may issue in duplicate, and where the married woman resides in a city or town in which there is a police magistrate, the order for protection or any order discharging the same shall be made by the police magistrate, and shall be registered in the registry office of the Registration Division in which the city or town is situate. (*Ib.* s. 10.)

By whom made when not in such town.

(4) Where the married woman does not reside in a city or town in which there is a police magistrate, the order shall be made by the Judge or one of the Judges, or the acting or deputy Judge of the Division Courts or a Division Court of the County in which the married woman resides; and instead of being registered, shall be filed for public inspection with the clerk of the Division Court of the Division within which the married woman resides. (*Ib.* s. 11.)

Hearing may be public or private.

(5) The hearing of an application for an order of protection, or for an order discharging the same may be public or private, at the discretion of the judge or police magistrate. (*Ib.* s. 12.)

Order not to have effect until registered.

(6) The order for protection shall have no effect until it is registered or filed, and the registrar or clerk shall immediately on receiving the order endorse thereon the day of registering or filing the same; and a certificate of the registering or filing and date, signed by the registrar or clerk for the time being, shall be *prima facie* evidence of such registering or filing and date; and a copy of the order which is registered or filed, certified under the hand of the registrar or clerk to be a true copy thereof, shall be sufficient *prima facie* evidence of the order without proof of the signature of the registrar or clerk, and

Evidence of  
er, etc.



without further proof of the order itself, or of the making or validity thereof. (*Ib.* s. 13.)

(7) The order for discharging an order of protection shall not in any case be retroactive, but shall take effect from the time it is made, and the order for protection shall protect the earnings of the minor children of the married woman until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the registering or filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of her minor children. (*Ib.* s. 14.)

From what time the order discharging protection shall take effect.

20. The Married Women's Property Act (R. S. O. c. 125), is hereby repealed: Provided, that such repeal shall not affect any act done or right acquired while the said Act was in force, or any right or liability of any husband or wife married before the commencement of this Act, to sue or be sued under the provisions of the said repealed Act, for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act. (Imp. 45-46 Vic., c. 75, s. 22.)

Repeal of R.S. O. c. 125.

21. For the purposes of this Act the legal personal representative of any married woman shall, in respect of her separate estate, have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living. (*Ib.* s. 23.)

Legal representative of married woman.

22. The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and her children as the personal property of a husband dying intestate is to be distributed between his wife and children; and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass and be distributed as if this Act had not passed. (R. S. O. c. 125, s. 25.)

Separate personal property of wife dying intestate, how to be distributed.

23. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by a married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action. (Imp. 45-46 Vic., c. 75, s. 24.)

Interpretation of terms.

24. The date of the commencement of this Act shall be the first of July, 1884.

Commencement of Act.

No. 110.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the property of Married  
Women.

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First Reading, 28th February, 1884.

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THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act respecting the property of Married Women.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Married Women's Property Act, 1884.*" Short title.

2. (1) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee. Married woman to be capable of holding property as a *feme sole*.

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shewn.

(4) Every contract entered into by a married woman with respect to and to bind her separate property, shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

3. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary artistic, or scientific skill. Property of a woman married after this Act to be held by her as a *feme sole*.

Execution of  
general power.

4. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Property  
acquired after  
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woman  
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before this Act  
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5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid. 5 10

As to stock,  
etc., to which  
a married  
woman is  
entitled.

6. All deposits, all sums forming part of public stocks or funds, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, sum forming part of public stocks, funds, or of any share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorize and empower her to receive or transfer the same, and to receive the dividends, interests, and profits thereof, without the concurrence of her husband, and to indemnify all public officers, and all directors, managers, and trustees of every such corporation, company, public body, or society as aforesaid, in respect thereof. 15 20 25 30

As to stock,  
etc., to be  
transferred,  
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ried woman.

7. All such particulars mentioned in the preceding section which after the commencement of this Act shall be placed, or transferred in or into, or made to stand, in the sole name of any married woman shall be deemed, unless and until the contrary be shewn, to be her separate property, in respect of which, so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not; Provided always, that nothing in this Act shall require or authorize any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any statute, charter, by-law, articles of association, or deed of settlement regulating such corporation or company. 35 40 45

Proviso.

Investments  
in joint  
names of  
married  
women and  
others.

8. All the provisions hereinbefore contained as to such particulars mentioned in section 6, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be, or placed, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far 50 55



as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be placed, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband.

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such particulars named in section 6, which *are* now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman, and any other person or persons not being her husband.

As to stock, etc., standing in the joint names of a married woman and others.

10. If any investment in any of the particulars set forth in section 6 shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section 15 of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, of any property, in fraud of his creditors, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any property or moneys so deposited or invested may be followed as if this Act had not been passed.

Fraudulent investments with money of husband.

11. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property, as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other.

Remedies of married woman for protection and security of separate property.

12. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract or wrong, as aforesaid.

Wife's ante-nuptial debts and liabilities.

Proviso.

13. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed

Husband to be liable for his

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to a cer-  
tain extent.

by her, before marriage, and for wrongs committed by her after marriage, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been *bonâ fide* recovered against him in any proceeding at law, in respect of any such debts, contracts or wrongs for or in respect of which his wife is liable; but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt or liability shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid.

Proviso.

Suits for  
wife's liabilities.

14. A husband and wife may be jointly sued in respect of any such debt or other liability (whether for contract or for any wrong) contracted or incurred by the wife as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Questions between husband and wife as to property to be decided in a summary way.

15. (1) In any question between husband and wife as to the title to or possession of property, either party, or any corporation, company, public body, or society in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise, in a summary way, to any judge of the High Court of Justice, or (at the option of the applicant, irrespectively of the value of the property in dispute) to the judge of the county court of the county in which either party resides, and the judge may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit; or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit.

(2) Any order of a judge of the High Court, made under the provisions of this section, shall be subject to appeal in the same way as an order made by the same judge in a suit in the said court would be.

(3) Any order of a county court, under the provisions of this section, shall be subject to appeal in the same way as any other order made by the same court would be.

(4) All proceedings in a county court, under this section, in which, by reason of the character or value of the property in dispute, such court would not have had jurisdiction if this Act had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court, by writ of *certiorari*, or otherwise, as may be prescribed by any rule of the Supreme Court of Ontario; but any order made or act done in the course of the proceedings, prior to the removal, shall be valid, unless order is made to the contrary by such High Court.

(5) The judge of the High Court, or county court, if either party so require, may hear any such application in his private room.

(6) Any such corporation, company, public body, or society, as aforesaid, shall, in the matter of any such application, for the purposes of costs or otherwise, be treated as a stakeholder only.

16. A married woman, who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly as aforesaid, of property subject to any trust, may sue or be sued, and may transfer or join in transferring, in that character, any such particulars as mentioned in section 6, without her husband, as if she were a *feme sole*. (Imp. 45-46 Vic., c. 75, s. 18.)

Married woman as an executrix or trustee.

17. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

Saving of existing settlements, and the power to make future settlements.

18. (1) Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence, or any married woman whose husband from habitual drunkenness, profligacy, or other cause, neglects

In what cases a married woman may obtain an order of protection for the earnings of her minor children.



- or refuses to provide for her support and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner as if she continued sole and unmarried. 5
- Purport and effect of such order.
- How and by whom an order discharging protection may be obtained. (2) The married woman may at any time apply, or the husband or any of the husband's creditors may at any time on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made the same may be registered or filed like the original order. 10
- Either order may be in duplicate. By whom to be made in cities and towns. Registration. (3) Either order may issue in duplicate, and where the married woman resides in a city or town in which there is a police magistrate, the order for protection or any order discharging the same shall be made by the police magistrate, and shall be registered in the registry office of the Registration Division in which the city or town is situate. 15 20
- By whom made elsewhere than in city or town. (4) Where the married woman does not reside in a city or town in which there is a police magistrate, the order shall be made by the Judge or one of the Judges, or the acting or deputy Judge of the Division Courts or a Division Court of the County in which the married woman resides; and instead of being registered, shall be filed for public inspection with the clerk of the Division Court of the Division within which the married woman resides. 25
- Hearing may be public or private. (5) The hearing of an application for an order of protection, or for an order discharging the same may be public or private, at the discretion of the judge or police magistrate. 30
- Order not to have effect until registered. (6) The order for protection shall have no effect until it is registered or filed, and the registrar or clerk shall immediately on receiving the order endorse thereon the day of registering or filing the same; and a certificate of the registering or filing and date, signed by the registrar or clerk for the time being, shall be *prima facie* evidence of such registering or filing and date; and a copy of the order which is registered or filed, certified under the hand of the registrar or clerk to be a true copy thereof, shall be sufficient *prima facie* evidence of the order without proof of the signature of the registrar or clerk, and without further proof of the order itself, or of the making or validity thereof. 35 40
- Evidence of order, etc.
- From what time the order discharging protection shall take effect. (7) The order for discharging an order of protection shall not in any case be retroactive, but shall take effect from the time it is made, and the order for protection shall protect the earnings of the minor children of the married woman until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the registering or filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of her minor children. 45 50

Legal representative-

19. For the purposes of this Act the legal personal representative of any married woman shall, in respect of her separ- 55



ate estate, have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

of married woman.

20. The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and her children as the personal property of a husband dying intestate is to be distributed between his wife and children; and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass and be distributed as if this Act had not passed.

Separate personal property of wife dying intestate, how to be distributed.

10 21. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by a married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action.

Interpretation. "Contract."

20 22. *The Married Woman's Property Act* is hereby repealed: Provided, that such repeal shall not affect any act done or right acquired while the said Act was in force, or any right or liability of any husband or wife married before the commencement of this Act, to sue or be sued under the provisions of the said repealed Act, for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act; and that part of section 3 of *The Married Woman's Real Estate Act*, which follows the words "feme sole" in the tenth line; also sections numbered from 4 to 12 inclusive, and that part of section 6 of the Revised Statute respecting Dower, which follows the word "dower" in the fourth line, are also repealed.

R.S.O. c. 125. repealed.

35 23. The date of the commencement of this Act shall be the first of July, 1884.

Commencement of Act.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the Property of Married Women.

*(Reprinted as amended by Committee of the whole House.*

First Reading, 28th February, 1884.

Second " 11th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to authorize the substitution of terminable annuities for Railway Aid Certificates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In lieu of and for the purpose of retiring any outstanding certificates heretofore issued, or which may hereafter be issued, in aid of any railway under the authority of any Act of the Legislature of this Province, the Lieutenant-Governor in Council may direct the granting of terminable annuities for such terms, not in any case exceeding forty years, as the Lieutenant-Governor may from time to time deem expedient, and every annuity so granted shall be a charge upon the Consolidated Revenue Fund of this Province.

Issue of terminable annuities authorized.

2. The said annuities shall be based on a rate of interest not exceeding five per cent. per annum, and shall be evidenced by such form of certificate or other instrument as the Lieutenant-Governor in Council may direct.

Rate of interest on which annuities.

3. The Provincial Treasurer may sell any annuities authorized under this Act, and apply the proceeds thereof in the payment of any certificates issued as aforesaid, in aid of railways, or he may, with the consent of the holders of certificates and upon such terms as may be agreed on, exchange such annuities for any certificates held by them.

Annuities may be sold or exchanged.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to authorize the substitution of terminable annuities for Railway Aid Certificates.

First Reading,	22nd March,	1884.
Second	"	22nd " 1884.
Third	"	22nd " 1884.

Mr. Ross (*Huron*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

922



An Act to amend "The Consolidated Municipal Act, 1883."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section seventy-three of the Consolidated Municipal Act, 46.V., c. 18, 5 1883, is amended by striking out the words "over and above" <sup>s. 73, amended.</sup> all charges, liens and incumbrances affecting the same."

2. Section five hundred and thirty-five is amended by in- <sup>Sec. 535,</sup>serting after the words "boundary line," in the fifth line of <sup>amended.</sup> the said section the words "or any deviation of such boundary  
10 line used in lieu thereof," and by striking out the words  
"amount to be so expended," in the thirteenth line, and in-  
serting instead thereof the words "proportionate amounts to  
be paid by each Municipality."

3. Section five hundred and thirty-eight is amended by in- <sup>Sec. 538,</sup>serting the word "Local" before the word "Municipalities" in <sup>amended.</sup> the fourth line and striking out all the words after the word  
"them" in the seventh line and inserting the following words  
in lieu thereof, "And all Bridges over Rivers forming or crossing  
such boundary line or deviations shall be maintained by the  
20 County or Counties, or Counties and separated Towns, or Cities;  
having regard to the interests of such County, Towns or Cities  
respectively."

727  
No. 112.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend "The Consolidated  
Municipal Act, 1883."

First Reading, 3rd March, 1884.

Mr. FELL.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act respecting Pharmacy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Pharmacy Act of 1884.*" Short title.

5 2. The Ontario College of Pharmacy, incorporated by the Ontario College of Pharmacy Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered thirty-four, is hereby continued. (R.S.O., c. 145, s. 2.) continued.

10 3. The Ontario College of Pharmacy shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same, or any part thereof, may alienate, exchange, mortgage, lease, or otherwise charge or dispose of as occasion may require, and may erect buildings for the purpose of accommodating lecturers on chemistry or pharmacy, or for a library, pharmaceutical museum, or specimen room for the use of the members and associates of said College; and all fees payable under this Act shall belong to the said College for the purposes of this Act. (R.S.O., c. 145, s. 6.) Power to hold real estate, build, &c. Fees.

20

*Pharmaceutical Council.*

4. There shall be a Council of said College, to be called the Pharmaceutical Council, which shall consist of thirteen members, who shall be elected as hereinafter provided, and shall hold office for two years, and the said Council shall have authority to grant certificates of competency to conduct the business of a chemist or druggist, and to be registered subject to the provisions of this Act. (R.S.O., c. 145, s. 7.) Council of whom composed.

5. Any member of said Council may at any time resign by letter directed to the registrar of said College; and in the event of any vacancy occurring, the remaining members of the Council shall fill up such vacancy from the members of the College. (R.S.O., c. 145, s. 8.) Resignation of members, and vacancy how filled.

6. An election of members of the said Council shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at such election, shall be such persons as are members of the said College. (R.S.O., c. 145, s. 9.) Subsequent elections, how to be held.

7. The Council shall, at their first meeting, elect from among themselves a president and vice-president, and shall President and officers, how elected.

appoint a registrar and such other officers as the said Council may consider necessary. (R.S.O., c. 145, s. 10.)

*Certificates of Competency.*

Sittings of the Council.

For granting certificates.

8. The said Council shall hold at least two sittings in every year, on the first Wednesday in February and first Wednesday in August, for the purpose of granting certificates of competency, at such places as they may by resolution appoint, of which due notice shall be given for at least one month in the *Ontario Gazette*, and at least two newspapers in the City of Toronto. (R.S.O., c. 145, s. 11.)

Powers of the Council as to subjects of examination, &c.

9. The Council of the said College shall, subject to the supervision and disallowance thereof by the Lieutenant-Governor in Council, have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees not to exceed ten dollars, to be paid by persons applying for examination; and to make by-laws, rules and orders for the regulation of their own meetings and proceedings, and those of the College; and for the remuneration and appointment of examiners and officers of the said College; and for the payment of remuneration or indemnity to the members of the said Council in attending its sittings, or in attending upon the business of the said College; and in respect to any other matters which may be requisite for the carrying out of this Act; provided always, that no more than five cents per mile for travelling expenses, or more than four dollars per day for such days only as he shall be in actual attendance upon the business of the College, be allowed to any member for such expenses and remuneration. (R.S.O., cap. 145, s. 12, amended.)

Who may examine.

10. Such examinations may be conducted by the members of the Council, or by persons appointed by them.

*Who may apply for certificates.*

Qualification of candidates for certificates of competency.

11. Subject to the rules, regulations and by-laws of the Ontario College of Pharmacy, the following persons and no others may be admitted as candidates for certificates of competency:

(a) Any person who shall furnish to the Council of said College satisfactory evidence of having, in pursuance of a binding contract in writing for that purpose, served as an apprentice to a regularly qualified Pharmaceutical Chemist for a term of not less than three years;

(b) In case any person who has apprenticed himself as aforesaid, shall by reason of the death, failure in business, or removal of his employer, or from any other cause satisfactory to the said Council, be unable to complete his term of apprenticeship with such employer, such person shall be at liberty, when and as often as this may happen, to enter into a new contract to complete the remainder of his unfulfilled term with any other regularly qualified Pharmaceutical Chemist.



*Preliminary Examinations.*

12. Every person desirous of becoming apprenticed as Qualification of persons desiring to serve apprenticeship under this Act. aforesaid, shall, before the term of his apprenticeship begins to run for the purpose of this Act, furnish to the registrar of the College a certificate or other evidence satisfactory to the 5 Council, shewing that prior to the commencement of such apprenticeship he had passed an examination entitling him to admission to a High School, College, Collegiate Institute, or to the fourth form of a public school for the Province of Ontario; provided that apprentices who have commenced their appren- 10 ticeship out of the Province, shall give satisfactory evidence of having had equal qualifications to the aforesaid at the time when their apprenticeship was entered upon.

*Registration.*

13. It shall be the duty of the registrar to make and keep Registers to be kept of persons registered or entitled to be registered. a correct register, in accordance with the provisions of this Act, as shewn in Schedule "B," of all persons who may be entitled to be registered under this Act, and to enter opposite the names of all registered persons who have died, a state- 20 ment of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year, entitled to keep open shop as Pharmaceutical Chemists. 25 (R.S.O., cap 145, s. 15.)

14. Any person having passed such examination as afore- Entry on the roll. said to the satisfaction of the Council, shall be entered upon the roll of registered chemists and druggists, and shall become a member of the College. (R.S.O., cap. 145, s. 16.)

15. All persons who, on the fifteenth day of February, 1871, Certain persons may be entered on register. were in business as chemists and druggists, or chemists, druggists, or apothecaries, upon their own account, or in part- 30 nership with any other person, or who had before said day served an apprenticeship of three years, and acted as a 35 druggist's assistant for one year, shall be entitled to be registered under this Act, upon production to the registrar of such evidence of their having been so engaged, as the Council On certain evidence. of the said College may require, and upon payment of a registration fee of ten dollars; provided, that applications for 40 such registration be made within twelve months from the passing of this Act. (R.S.O., cap. 145, s. 17.)

16. No name shall be entered in the register except of per- Who may be entered on the register. sons authorized by this Act to be registered, nor unless the registrar is satisfied by proper evidence that the person claim- 45 ing is entitled to be registered; and any appeal from the decision of the registrar may be decided by the Council of the said College, and any entry proved to the satisfaction of the Fraudulent or incorrect entries may be erased. Council to have been fraudulently or incorrectly made, may be erased from or amended in the register by order of the 50 Council. (R.S.O., c. 145, s. 18.)

17. Upon any person being registered under this Act, he Certificate to

be granted on registration. shall be entitled to receive a certificate in the form of Schedule "D" or to the like effect, under the corporate seal of the said College, and signed by the registrar, and shall be entitled to receive a similar certificate annually upon payment of the said fee of ten dollars. (R.S.O., c. 145, s. 19.) 5

Fees. 18. There shall be payable to the registrar of the said College, for the uses of the College, on the first day of May of each year, by every person registered and carrying on business as a Pharmaceutical Chemist, the sum of four dollars; provided, that in case such person shall carry on such business in more than one locality the further sum of four dollars shall be payable by him, as aforesaid, for each such additional place of business. 10

Who alone may be styled Pharmaceutical Chemist, and dispense. 19. Any person registered under this Act, and no other person shall be entitled to be called a Pharmaceutical Chemist, and no other person except a Pharmaceutical Chemist, as aforesaid, or his employee or employees, shall be authorized to compound prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, or member of the said College, who is in default in respect to any fees payable by him by virtue of this Act. (R.S.O., c. 145, s. 21.) 15 20

Erasing of name of member on conviction of offence. 20. Upon a resolution of the Council of the said College being passed, declaring that any person in consequence of his conviction for any offence or offences against this Act, is, in the opinion of the Council, unfit to be on the register under this Act, the Lieutenant-Governor-in-Council may direct that the name of such person shall be erased from such register, and it shall be the duty of the registrar to erase the same accordingly. (R.S.O., c. 145, s. 22.) 25 30

Certificate to be publicly displayed. 21. Every Pharmaceutical Chemist carrying on business on his own account shall display his certificate in a conspicuous position in his place of business. (R.S.O., c. 145, s. 23.) 35

Person retiring from business to notify registrar. 22. Every person registered under this Act or any former Act, as a Pharmaceutical Chemist, shall, on retiring from business as such chemist, give the registrar notice in writing of the same, and in default thereof he shall remain liable for his annual registration fee. 40

### *Preparation of Compounds.*

How compounds are to be prepared. 23. All compounds named in the British Pharmacopœia shall be prepared according to the formula directed in the latest edition published "by authority" unless the College of Physicians and Surgeons of this Province select another standard, or unless the label distinctly shows that the compound is prepared according to another formula. (R.S.O., c. 145, s. 24.) 45

### *Sale of Poisons.*

Restriction on sale of poisons. 24. No person shall sell or keep open shop for retailing, dispensing or compounding poisons, or sell or attempt to sell 50

any of the articles mentioned in Schedule "A" to this Act, or assume or use the title of "Chemist and Druggist," or "Chemist," or "Druggist," or "Pharmacist," or "Apothecary," or "Dispensing Chemist," or "Druggist," in any part of the Province of Ontario, unless such person is registered under this Act, and unless such person has taken out a certificate under the provisions of section eighteen of this Act, for the time during which he is selling or keeping open shop for retailing, dispensing or compounding poisons, or assuming or using such title; provided, that nothing in this Act contained shall be taken to prevent the sale, by persons not registered in pursuance of this Act, of Paris Green, London Purple, and other arsenical insecticides, so long as such articles are sold in well secured packages distinctly labelled with the name and address of the seller and marked "Poison," and a record of such sales is kept as required under the provisions of this Act. (R.S.O., c. 145, s. 25 (amended).)

**25.** The several articles named or described in Schedule "A" shall be deemed to be poisonous within the meaning of this Act, and the Council of the Ontario College of Pharmacy, hereinafter mentioned, may from time to time by resolution declare, that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Council shall submit the same for the approval of the Lieutenant-Governor-in-Council, and if such approval is given, then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement the article named in such resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of this Act, or such of them as may be directed by the Lieutenant-Governor-in-Council. (R.S.O., c. 145, s. 26.)

**26.** No person shall sell any poison named in the first part of schedule "A" either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which such poison is contained is distinctly labelled with the name of the article and the word "Poison" and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and no person shall sell any poison mentioned in the first part of schedule "A" to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, in the form set forth in schedule "C" to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed. (R.S.O., cap. 145, s. 27.)

#### *Offences and Penalties.*

**27.** No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing (besides any other penalties to which he may be liable) shall be subject to



the penalties prescribed by the twenty-eighth section of this Act. (R.S.O., cap. 145, s. 28.)

Penalties for infringement of this Act.

**28.** Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence incur a penalty of twenty dollars and cost of prosecution, and for each offence committed subsequent to such conviction, a penalty of fifty dollars and costs of prosecution, to be recovered in a summary manner before any two Justices of the Peace or Police Magistrate, on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to Her Majesty for the public uses of this Province. (R. S. O. cap. 145, s. 29.)

Proof on prosecution.

**29.** In any prosecution under this Act it shall be incumbent upon the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of Chemist and Druggist, or other title mentioned in Section twenty-four of this Act, and the production of a certificate purporting to be under the hand of the Registrar and under the seal of the said College, showing that he is so entitled, shall be *prima facie* evidence that he is so entitled (R. S. O. cap. 145, s. 30.)

Price of articles sold contrary to this Act not to be recovered.

**30.** No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of Law or Equity. (R. S. O. c. 145, s. 31.)

#### *Act not to affect Medical Practitioners.*

25

Act not to apply to medical practitioners.

**31.** Nothing in this Act contained shall extend to or interfere with the privileges conferred upon legally qualified medical practitioners by any of the Acts relating to the practice of medicine and surgery in this Province, and they may be registered as pharmaceutical chemists without undergoing examination; nor shall anything in this Act prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an apothecary, chemist or druggist, or the profession of a doctor of medicine, physician or surgeon, or veterinary surgeon, nor prevent the members of such professions supplying to their patients such medicine as they may require, nor interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing. (R. S. O. c. 145, s. 32.)

Executors may carry on business of deceased chemist, etc.

**32.** Upon the decease of any person legally authorized and actually carrying on the business of chemist and druggist at the time of his death, it shall be lawful for the executor, administrator or trustee of the estate of such person to continue such business if and so long only as such business is *bona fide* conducted by a pharmaceutical chemist registered under this Act, provided such executor, administrator or trustee continue to pay the annual registration fee of four dollars. (R. S. O. c. 145, s. 33.)

#### *Honorary Members.*

Election of honorary members.

**33.** It shall be competent for the Council of the said College to elect as honorary members such persons as may be eminent



for their scientific attainments, but such honorary members shall not as such be entitled to vote at elections or carry on the business of pharmaceutical chemists.

34. All persons approved of by the Council of the said College, who hold diplomas from the Pharmaceutical Society of Great Britain, or certificates from any pharmaceutical college in the Dominion of Canada or elsewhere, may be registered as members of the Ontario College of Pharmacy without the examination prescribed by this Act.

Persons holding diplomas from other societies may be registered.

- 10 35. The *Pharmacy Act*, chapter one hundred and forty-five of the Revised Statutes of Ontario, is hereby repealed.

R.S.O., c. 145, repealed.

#### SCHEDULE "A."

(Secs. 24, 25 and 26.)

##### PART I.

Acid, Hydrocyanic (Prussic),	Ergot,
Aconite and compounds thereof,	Hemp, Indian,
Antimony, Tartrate of,	Morphia and its salts and solutions,
Arsenic and all the compounds thereof,	Oil, cedar,
Atropine,	Strychnine and Nux Vomica,
Conia, and the compounds thereof,	Savin and preparations of,
Corrosive sublimate,	Veratria.
Digitaine,	

##### PART II.

Acid, Oxalic,	Iodine,
Belladonna and the compounds thereof,	Opium with its preparations, including laudanum, etc., but not paregoric,
Beans, Calabar,	Pink Root,
Cantharides,	Podophyllin,
Carbolic Acid,	Potassium, Iodide of,
Chloral Hydrate,	Potassium, Bromide of,
Chloroform and Ether,	St. Ignatius Beans,
Conium and the preparations thereof,	Santonine,
Croton Oil and seeds,	Scammony,
Cyanide of Potassium,	Stramonium and preparations,
Euphorbium,	Valerian,
Elaterium,	Verdigris,
Goulard Extract,	Zinc, Sulphate of.
Hyosciamus and preparations,	
Hellebore.	

#### SCHEDULE "B," SEC. 13.

Name.	Residence.	Qualification.	Remarks.
A. B.	Kingston.	In business for three years prior to 15 Feb. 1871.	Dead.
C. D.	Hamilton.	Examined and Certified, July 12, 1871.	Erased by order of the Lieut.-Gov. dated 14 Oct., 1875.
E. F.	London.	Served apprenticeship and as assistant.	

SCHEDULE "C," SEC. 26.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of purchaser.	Name of person introducing purchaser.

SCHEDULE "D," SEC. 17.

I hereby certify that *C. D.* having first passed the examination prescribed by the Pharmaceutical Council, *or* having been three years in business, *or* having been a qualified assistant for three years prior to the Pharmacy Act of 1871 (*as the case may be*), was on the            day of            duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario, from the            day of            A.D. 18            to the            day of            A.D. 18

(Signed)

E. F.,

*Registrar of the Ontario College of Pharmacy.*

[Corporate Seal.]

BILL.

An Act respecting Pharmacy.

First Reading, 4th March, 1884.

MR. WIDDIFIELD.

TORONTO:

## An Act respecting Pharmacy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Pharmacy Act, 1884.*" Short title.

5 2. The Ontario College of Pharmacy, incorporated by the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered thirty-four, is hereby continued. (R.S.O., c. 145, s. 2.) Ontario College of Pharmacy continued.

10 3. The Ontario College of Pharmacy shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same, or any part thereof, may alienate, exchange, mortgage, lease, or otherwise charge or dispose of as occasion may require, and may erect buildings for the purpose of accommodating lecturers on chemistry or pharmacy, or for a library, pharmaceutical museum, or specimen room for the use of the members and associates of said College; and all fees payable under this Act shall belong to the said College for the purposes of this Act. (R.S.O., c. 145, s. 6.) Power to hold real estate, build, &c. Fees.

*Pharmaceutical Council.*

20 4. There shall be a Council of said College, to be called the Pharmaceutical Council, which shall consist of thirteen members, who shall be elected as hereinafter provided, and shall hold office for two years, and the said Council shall, subject to the by-laws thereof, have sole control of the real and personal property of the College, and have authority to grant certificates of competency to conduct the business of a chemist or druggist, and to be registered subject to the provisions of this Act. (R.S.O., c. 145, s. 7.) Council of whom composed.

30 5. Any member of said Council may at any time resign by letter directed to the registrar of said College; and in the event of any vacancy occurring, the remaining members of the Council shall fill up such vacancy from the members of the College. (R.S.O., c. 145, s. 8.) Resignation of members, and vacancy how filled.

35 6. An election of members of the said Council shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at such election, shall be such persons as are members of the said College. (R.S.O., c. 145, s. 9.) Subsequent elections, how to be held.

7. The Council shall, at their first meeting, elect from among themselves a president and vice-president, and shall President and officers, how elected,

appoint a registrar and such other officers as the said Council may consider necessary. (R.S.O., c. 145, s. 10.)

*Certificates of Competency.*

Sittings of the Council. 8. The said Council shall hold at least two sittings in every year, on the first Wednesday in February and first Wednesday in August, for the purpose of granting certificates of competency, at such places as they may by resolution appoint, of which due notice shall be given for at least one month in the *Ontario Gazette*, and at least two newspapers in the City of Toronto. (R.S.O., c. 145, s. 11.)

Powers of the Council as to subjects of examination, &c. 9. The Council of the said College shall, subject to the supervision and disallowance thereof by the Lieutenant-Governor in Council, have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees not to exceed ten dollars, to be paid by persons applying for examination; and to make by-laws, rules and orders for the regulation of their own meetings and proceedings, and those of the College; and for the remuneration and appointment of examiners and officers of the said College; and for the payment of remuneration or indemnity to the members of the said Council in attending its sittings, or in attending upon the business of the said College; and in respect to any other matters which may be requisite for the carrying out of this Act; provided always, that no more than five cents per mile for travelling expenses, or more than four dollars per day for such days only as he shall be in actual attendance upon the business of the College, including going to and returning from such sitting, be allowed to any member for such expenses and remuneration. (R.S.O., cap. 145, s. 12, amended.)

Who may examine. 10. The examinations of the College may be conducted by the members of the Council, or by persons appointed by them. (R.S.O., cap. 145, s. 14.)

*Who may apply for certificates.*

Qualification of candidates for certificates of competency. 11. Subject to the rules, regulations and by-laws of the Ontario College of Pharmacy, the following persons and no others may be admitted as candidates for certificates of competency:

(a) Any person who shall furnish to the Council of said College satisfactory evidence of having, in pursuance of a binding contract in writing for that purpose, served as an apprentice to a regularly qualified Pharmaceutical Chemist for a term of not less than three years;

(b) In case any person who has apprenticed himself as aforesaid, shall by reason of the death, failure in business, or removal of his employer, or from any other cause satisfactory to the said Council, be unable to complete his term of apprenticeship with such employer, such person shall be at liberty, when and as often as this may happen, to enter into a new contract to complete the remainder of his unfulfilled term with any other regularly qualified Pharmaceutical Chemist;



(c) Nothing in this section shall apply to any person who had, prior to the passing of this Act, begun his apprenticeship with a regularly qualified Pharmaceutical Chemist without such binding contract in writing.

5

### *Preliminary Examinations.*

12. Every person *who may hereafter be desirous of becoming* apprenticed as aforesaid, shall, before the term of his apprenticeship begins to run for the purpose of this Act, furnish to the registrar of the College a certificate or other evidence satisfactory to the Council, shewing that prior to the commencement of such apprenticeship he had passed an examination entitling him to admission to a High School, College, Collegiate Institute, or to the fourth form of a public school for the Province of Ontario; provided that apprentices who have commenced their apprenticeship out of the Province, shall give satisfactory evidence of having had equal qualifications to the aforesaid at the time when their apprenticeship was entered upon.

Qualification of persons desiring to serve apprenticeship under this Act.

### *Registration.*

13. It shall be the duty of the registrar to make and keep a correct register, in accordance with the provisions of this Act, as shewn in Schedule "B," of all persons who may be entitled to be registered under this Act, and to enter opposite the names of all registered persons who have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year, entitled to keep open shop as Pharmaceutical Chemists. (R.S.O., cap 145. s, 15.)

Registers to be kept of persons registered or entitled to be registered.

14. Any person having passed such examination as aforesaid to the satisfaction of the Council, shall be entered upon the roll of registered chemists and druggists, and shall become a member of the College. (R.S.O., cap. 145, s. 16.)

Entry on the roll.

15. All persons who, on the fifteenth day of February, 1871, were in business as chemists and druggists, or chemists, druggists, or apothecaries, upon their own account, or in partnership with any other person, or who had before said day served an apprenticeship of three years, and acted as a druggist's assistant for one year, shall be entitled to be registered under this Act, upon production to the registrar of such evidence of their having been so engaged, as the Council of the said College may require, and upon payment of a registration fee of ten dollars; provided, that applications for such registration be made within twelve months from the passing of this Act. (R.S.O., cap. 145, s. 17.)

Certain persons may be entered on register.

On certain evidence.

16. No name shall be entered in the register except of persons authorized by this Act to be registered, nor unless the registrar is satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the Council of the

Who may be entered on the register.

Appeal from decision of the registrar.

Fraudulent or incorrect entries may be erased. said College, and any entry proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from or amended in the register by order of the Council. (R.S.O., c. 145, s. 18.)


Certificate to be granted on registration. 17. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form of Schedule "D" or to the like effect, under the corporate seal of the said College, and signed by the registrar. (R.S.O., c. 145, s. 19.)

Fees. 18. There shall be payable to the registrar of the said College, for the uses of the College, on the first day of May of 10 each year, by every person registered and carrying on business as a Pharmaceutical Chemist, the sum of four dollars; provided, that in case such person shall carry on such business in more than one locality the further sum of four dollars shall be payable by him, as aforesaid, for each such additional place of 15 business.

Who alone may be styled Pharmaceutical Chemist, and dispense. 19. Any person registered under this Act, and no other person shall be entitled to be called a Pharmaceutical Chemist, and no other person except a Pharmaceutical Chemist, as aforesaid, or his employee or employees, shall be authorized to 20 compound prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, or member of the said College, who is in default in respect to any fees payable by him by virtue of this Act. (R.S.O., c. 145, s. 21.) 25

Erasing of name of member on conviction of offence. 20. Upon a resolution of the Council of the said College being passed, declaring that any person in consequence of his conviction for any offence or offences against this Act, is, in the opinion of the Council, unfit to be on the register under this Act, the Lieutenant-Governor-in-Council may direct that the 30 name of such person shall be erased from such register, and it shall be the duty of the registrar to erase the same accordingly. (R.S.O., c. 145, s. 22.)

Certificate to be publicly displayed. 21. Every Pharmaceutical Chemist carrying on business on his own account shall display his certificate in a conspicuous 35 position in his place of business. (R.S.O., c. 145, s. 23.)

Person retiring from business to notify registrar. 22. Every person *having been* registered under this Act or any former Act, as a Pharmaceutical Chemist, shall, on retiring from business as such chemist, give the registrar notice in writing of the same, and in default thereof he shall remain 40 liable for his annual registration fee; provided, that it shall be lawful for any such person to resume the business of Chemist and Druggist at any time after retiring therefrom as aforesaid, upon giving notice in writing to the registrar of the College of his intention so to do, and upon payment to him of the 45 then current annual registration fee. 

#### *Preparation of Compounds.*

How compounds are to be prepared. 23. All compounds named in the British Pharmacopæia shall be prepared according to the formula directed in the latest edition published "by authority" unless the College of 50 Physicians and Surgeons of this Province select another

standard, or unless the label distinctly shews that the compound is prepared according to another formula. (R.S.O., c. 145, s. 24.)

*Sale of Poisons.*

- 5 **24.** No person shall sell or keep open shop for retailing, dispensing or compounding poisons, or sell or attempt to sell any of the articles mentioned in Schedule "A" to this Act, or assume or use the title of "Chemist and Druggist," or "Chemist," or "Druggist," or "Pharmacist," or "Apothecary," or 10 "Dispensing Chemist," or "Druggist," in any part of the Province of Ontario, unless such person is registered under this Act, and unless such person has taken out a certificate under the provisions of section eighteen of this Act, for the time during which he is selling or keeping open shop for retailing, 15 dispensing or compounding poisons, or assuming or using such title; provided, that nothing in this Act contained shall be taken to prevent the sale, by persons not registered in pursuance of this Act, of Paris Green, London Purple, and other arsenical insecticides, so long as such articles are sold in well 20 secured packages distinctly labelled with the name and address of the seller and marked "Poison," and a record of such sales is kept as required under the provisions of this Act. (R.S.O., c. 145, s. 25 (amended).)

Restriction on sale of poisons, etc., and on the assumption of certain titles.

- 25 **25.** The several articles named or described in Schedule "A" shall be deemed to be poisonous within the meaning of this Act, and the Council of the Ontario College of Pharmacy, hereinbefore mentioned, may from time to time by resolution declare, that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon 30 the said Council shall submit the same for the approval of the Lieutenant-Governor-in-Council, and if such approval is given, then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement the article named in such resolution shall be 35 deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of this Act, or such of them as may be directed by the Lieutenant-Governor-in-Council. (R.S.O., c. 145, s. 26.)

Certain articles to be deemed poisonous.

- 40 **26.** No person shall sell any poison named in the first part of schedule "A" either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which such poison is contained is distinctly labelled with the name of the article and the word "Poison" and if sold by retail, then also with the 45 name and address of the proprietor of the establishment in which such poison is sold; and no person shall sell any poison mentioned in the first part of schedule "A" to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the person 50 actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, in the form set forth in schedule "C" to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who 55 introduced him, to which entry the signature of the purchaser shall be affixed. (R.S.O., cap. 145, s. 27.)

Certain poisons to be sold only in a certain manner.



*Offences and Penalties.*

Penalties on wrongful sales. **27.** No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing (besides any other penalties to which he may be liable) shall be subject to the penalties prescribed by the twenty-eighth section of this Act. (R.S.O., cap. 145, s. 28.) 5



Penalties for infringement of this Act. **28.** Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence incur a penalty of twenty dollars and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty of fifty dollars and costs of prosecution, to be recovered in a summary manner before *one or more* Justices of the Peace or Police Magistrate, on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to be paid to the registrar for the use of the College. (R. S. O. cap. 145, s. 29.) 10 15

Proof on prosecution. **29.** In any prosecution under this Act it shall be incumbent upon the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of Chemist and Druggist, or other title mentioned in section twenty-four of this Act, and the production of a certificate purporting to be under the hand of the registrar and under the seal of the said College, shewing that he is so entitled, shall be *prima facie* evidence that he is so entitled. (R. S. O. cap. 145, s. 30.) 20 25

Price of articles sold contrary to this Act not to be recovered. **30.** No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of Law or Equity. (R. S. O. c. 145, s. 31.)

*Act not to affect Medical Practitioners.* 30

Act not to apply to medical practitioners. **31.** (1) Nothing in this Act contained shall extend to or interfere with the privileges conferred upon legally qualified medical practitioners by any of the Acts relating to the practice of medicine and surgery in this Province, and they may be registered as pharmaceutical chemists without undergoing examination; nor shall anything in this Act prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an apothecary, chemist or druggist, or the profession of a doctor of medicine, physician or surgeon, or veterinary surgeon, nor prevent the members of such professions supplying to their patients such medicine as they may require, nor interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing. (R. S. O. c. 145, s. 32.) 35 40

 (2) Nothing in this Act shall prevent any member of the College of Physicians and Surgeons of Ontario from engaging in and carrying on the business of an apothecary, chemist or druggist without registration, under the provisions of this Act. 

Executors may carry on business of deceased chemist, etc. **32.** Upon the decease of any person legally authorized and actually carrying on the business of chemist and druggist at the time of his death, it shall be lawful for the executor, ad- 50



ministrator or trustee of the estate of such person to continue such business if and so long only as such business is *bona fide* conducted by a pharmaceutical chemist registered under this Act, provided such executor, administrator or trustee continue to pay the annual registration fee of four dollars. (R. S. O. c. 145, s. 33.)

### *Honorary Members.*

**33.** It shall be competent for the Council of the said College to elect as honorary members such persons as may be eminent for their scientific attainments, but such honorary members shall not as such be entitled to vote at elections or carry on the business of pharmaceutical chemists.

Election of honorary members.

**34.** All persons approved of by the Council of the said College, who hold diplomas from the Pharmaceutical Society of Great Britain, or certificates from any pharmaceutical college in the Dominion of Canada or elsewhere, may be registered as members of the Ontario College of Pharmacy without the examination prescribed by this Act.

Persons holding diplomas from other societies may be registered.

**35.** The *Pharmacy Act*, chapter one hundred and forty-five of the Revised Statutes of Ontario, is hereby repealed.

R.S.O., c. 145, repealed.

### SCHEDULE "A."

(Secs. 24, 25 and 26.)

#### PART I.

Acid, Hydrocyanic (Prussic),	Ergot,
Aconite and compounds thereof,	Hemp, Indian,
Antimony, Tartrate of,	Morphia and its salts and solutions,
Arsenic and all the compounds thereof,	Oil, cedar,
Atropine,	Strychnine and Nux Vomica,
Conia, and the compounds thereof,	Savin and preparations of,
Corrosive sublimate,	Veratria.
Digitaline,	

#### PART II.

Acid, Oxalic,	Iodine,
Belladonna and the compounds thereof,	Opium with its preparations, including laudanum, etc., but not pargoric,
Beans, Calabar,	Pink Root,
Cantharides,	Podophyllin,
Carbolic Acid,	Potassium, Iodide of,
Chloral Hydrate,	Potassium, Bromide of,
Chloroform and Ether,	St. Ignatius Beans,
Conium and the preparations thereof,	Santonine,
Croton Oil and seeds,	Scammony,
Cyanide of Potassium,	Stramonium and preparations,
Euphorbium,	Valerian,
Elaterium,	Verdigris,
Goulard Extract,	Zinc, Sulphate of.
Hyosciamus and preparations,	
Hellebore.	

## SCHEDULE "B," SEC. 13.

Name.	Residence.	Qualification.	Remarks.
A.B.	Kingston.	In business for three years prior to 15 Feb. 1871.	Dead.
C. D.	Hamilton.	Examined and Certified, July 12, 1871.	Erased by order of the Lieut.-Gov. dated 14 Oct., 1875.
E. F.	London.	Served apprenticeship and as assistant.	

## SCHEDULE "C," SEC. 26.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of purchaser.	Name of person introducing purchaser.

## SCHEDULE "D," SEC. 17

I hereby certify that *C. D.* having first passed the examination prescribed by the Pharmaceutical Council, or having been three years in business, or having been a qualified assistant for three years prior to the Pharmacy Act of 1871 (*as the case may be*), was on the       day of       duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario, from the       day of       A.D. 18       to the       day of       A.D. 18

(Signed)

E. F.,

[Corporate Seal.]

Registrar of the Ontario College of Pharmacy.



1st Session, 6th Legislature, 47 Vic. 1884.

BILL.

An Act respecting Pharmacy.

*(Reprinted as amended by Select Committee.)*

First Reading,	4th	March,	1884.
Second "	12th	"	1884.

Mr. WIDFIELD.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Consolidated Municipal Act,  
1883.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sections three hundred and eighty-seven, three hundred  
5 and eighty-eight, three hundred and eighty-nine, three hun-  
dred and ninety, and three hundred and ninety-one, of the  
Consolidated Municipal Act, 1883, are hereby repealed, and the  
following enacted in lieu thereof:—

46 Vic. c. 18,  
secs. 387-391,  
repealed.

(387) In cases where arbitration is directed by this Act and  
10 two or more municipalities are interested, each of them shall  
appoint an arbitrator in writing under their respective corpor-  
ate seals (and duly authorized by by-law), and in such case, if  
there is an equality of arbitrators, the arbitrators so appointed  
shall appoint another arbitrator, or in default at the expira-  
15 tion of twenty-one days after such arbitrators have been ap-  
pointed, the Lieutenant-Governor in Council may, on the ap-  
plication of any one of the municipalities interested appoint  
such arbitrator.

Appointment  
of arbitrators  
when two or  
more munici-  
palities are  
interested.

2. So much of section three hundred and ninety-three as  
20 follows the word “thereby” in the fifth line is hereby re-  
pealed, and the following substituted therefor:—

Sec. 393  
amended.

“Immediately after the passing of the by-law a notice duly  
certified under the hand of the clerk of the council shall be  
served upon the person or persons so interested in the property,  
25 and such notice shall contain

- (a) A copy of the by-law under which the corporation  
propose to exercise their powers.
- (b) A description of the land to be taken or affected, or  
30 of the powers intended to be exercised with respect  
to the property.
- (c) A declaration of readiness to pay some certain sum as  
compensation for such lands, and such damages as  
may ensue.
- (d) The name of a person to be appointed as arbitrator  
35 on behalf of the corporation, if their offer be not  
accepted, to determine the compensation to which  
such person is entitled.

3. Section three hundred and ninety-four is hereby re-  
pealed, and the following enacted in lieu thereof:—

Sec. 394  
repealed.

40 (394) In any such last-mentioned arbitration, if after ser-  
vice on the owner or occupier of, or person so interested in the  
property, of the notice mentioned in the next preceding sec-  
tion, the owner or occupier, or person so interested, omits for

Provision if  
owner of  
property fails  
to name arbi-  
trator.

twenty-one days to notify to the head of the council his acceptance of the sum offered in the said notice, or, in the event of his not accepting the sum offered, the name of a person whom he appoints as arbitrator, then the Judge of the County Court of the county in which the property is situated, upon the application of the Municipal Council, shall appoint a sole arbitrator for determining the compensation to be paid as aforesaid. 5

Sec. 396 repealed.

4. Section three hundred and ninety-six is hereby repealed, and the following enacted in lieu thereof:— 10

County Judge to appoint arbitrator in certain cases.

(396) If any such owner, occupier, or person so interested, within the time aforesaid, notifies to the head of the council the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third then the Judge of the County Court of the county in which the property is situated shall, on the application of either party (previous notice of at least two days having been given to the other party) appoint a third arbitrator. 15

Sec. 401 repealed.

5. Section four hundred and one is hereby repealed, and the following enacted in lieu thereof:— 20

Costs of arbitration.

(401) If in any case where three arbitrators have been appointed the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party and be deducted from the compensation, but if otherwise they shall be borne by the Municipal Council, and in either case they may, if not agreed upon, be taxed by the judge aforesaid. 25

No. 114.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

First Reading, 4th March, 1884.

Mr. DRURY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Secure to Wives and Children the Benefit  
of Life Insurance.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The provisions of this Act shall apply to every lawful Application  
5 contract of insurance which is based on the expectation of of Act.  
human life, and shall include life insurance on the endowment  
plan as well as every other.

2. It is hereby declared to have been lawful for any person, R.S.O., c. 129,  
on or before the 18th day of September, 1866, to endorse upon sec. 7.  
10 or attach to any policy of insurance on his life effected and Insurances  
issued before the 18th day of September, 1865, whether the effected before  
policy was issued before or after marriage, a written declara- 18th Septem-  
tion that the insurance was for the benefit of his wife, or his ber, 1865,  
wife and children, or of his wife and some or one of his child- might within  
15 ren, or of his children only, or of some or one of them, and to one year be  
apportion the amount of the insurance money as he deemed declared in  
proper where the insurance was declared to be for the benefit favour of  
of more than one. wives or  
children.

3. Any person may insure his life for the whole term Ib. sec. 1.  
20 thereof, or for any definite period, for the benefit of his wife Persons may  
or of his wife and children, or of his wife and some or one of insure for the  
his children, or of his children only or of some or one of them, benefit of  
and, where the insurance is effected for the benefit of more wives or  
than one, he may apportion the amount of the insurance children.  
25 money as he may deem proper.

4. The insurance may be effected either in the name of the Ib. sec. 5.  
person whose life is insured, or in the name of his wife, or of How insur-  
any other person (with the assent of such other person) as ance may  
trustee. be effected.

30 5. In case a policy of insurance effected by a married man Ib. sec. 16.  
on his life is expressed upon the face of it to be for the benefit Insured may  
of his wife, or of his wife and children or any of them, or in declare policy  
case he has heretofore endorsed, or may hereafter endorse, or for the benefit  
by any writing identifying the policy by its number or other- of wives and  
35 wise, has made or may hereafter make a declaration that the children.  
policy is for the benefit of his wife, or of his wife and children  
or any of them, such policy shall enure, and be deemed a trust  
for the benefit of his wife for her separate use, and of his  
children or any of them, according to the intent so expressed  
40 or declared, and so long as any object of the trust remains the



money payable under the policy shall not be subject to the control of the husband or his creditors, or form part of his estate when the sum secured by the policy becomes payable; but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration. 5

Ib. sec. 2.  
Insured may  
make and alter  
apportion-  
ment.

6. The insured may, by the policy, or by any instrument in writing attached to or endorsed thereon, or by any instrument identifying the policy by its number or otherwise, apportion the insurance money among the persons intended to be benefited, and may, from time to time, by any further or other 10 instrument in writing, attached to or endorsed on the policy, or identifying the same, alter the apportionment as he may deem proper; he may also, by his will, make or alter the apportionment of the insurance money, and an apportionment made by will shall prevail over any other, except so far as such 15 other apportionment has been acted on before notice of the apportionment contained in the will.

Ib. sec. 4.  
Where no ap-  
portionment  
is made  
among  
children.

7. Where no apportionment is made, all persons entitled to be benefited by the insurance shall be held to share equally in the same; and where it is stated in the policy or declaration 20 that the insurance is for the benefit of the wife and children generally, or of the children generally, without specifying the names of the children, the word "children" shall be held to mean all the children of the insured living at the time of his death, whether by his then or any former wife. 25

Ib. sec. 3.  
Provision as to  
share of any  
beneficiary  
dying where  
apportionment  
made.

8. Where an apportionment, as in the second and sixth sections provided for, has been made, if one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by any instrument in writing, attached to or endorsed on or otherwise 30 referring to and identifying the policy of insurance, declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that behalf, not being other than the wife and children of the insured or one or more of them; and in default 35 of any such declaration, the share of the person so dying shall be the property of the insured, and may be dealt with and disposed of by him as he may see fit, and shall at his death form part of his estate.

R.S.O., c. 129,  
sec. 14.  
Provision in  
case of death  
where no ap-  
portionment.

9. Where no apportionment as in the second and sixth sec- 40 tions provided for has been made, if one or more of the persons entitled to the benefit of the insurance die in the lifetime of the insured, and no apportionment is subsequently made by the insured, the insurance shall be for the benefit of the survivor, or of the survivors of such persons in equal shares if more than 45 one; and if all the persons so entitled die in the lifetime of the insured, the policy and the insurance money shall form part of the estate of the insured. After the death of all the persons entitled to such benefit, the insured may by an instrument executed as aforesaid make a declaration that the policy shall be 50 for the benefit of his then or any future wife or children, or some or one of them.

Ib. sec. 8.  
Insurance

10. When the insurance money becomes due and payable it shall be paid according to the terms of the policy or of any



declaration or instrument as aforesaid, as the case may be, free from the claims of any creditors of the insured, except as herein provided. money not liable to creditors.

(2) Where the insurance money or part thereof is for the benefit, in whole or in part, of the children of the insured, and the children are mentioned as a class and not by their individual names, the money shall not be payable until satisfactory proof is furnished to the company of the number, names and ages of the children entitled.

10 **11.** The insured may, by the policy or by his will or by any writing under his hand, appoint a trustee or trustees of the money payable under the policy, and may from time to time revoke such appointment in like manner, and appoint a new trustee or new trustees and make provision for the 15 appointment of a new trustee or new trustees, and for the investment of the moneys payable under the policy. Payment made to such trustee or trustees shall discharge the company. English Married Women's Act, 1882, in part sec. 11. Appointment of trustees.

**12.** If no trustee is named in the policy, or appointed as mentioned in the eleventh section, to receive the shares to 20 which infants are entitled, their shares may be paid to the executors of the last will and testament of the insured, or to a guardian of the infants duly appointed by one of the Surrogate Courts of this Province or by the High Court of Justice, or to a trustee appointed by the last named Court, upon the 25 application of the wife, or of the infants or their guardian; and such payment shall be a good discharge to the insurance company. R.S.O., c. 129, secs. 9, 10, and second part sec. 16. Where no trustee payment of shares of infants.

**13.** Any trustee named as provided for in the last two preceding sections, and any executor or guardian, 30 may invest the money received in government securities or municipal debentures or in mortgages of real estate, and may from time to time alter, vary and transpose the investments, and apply all or any part of the annual income arising from the share or presumptive share of each of 35 the children, in or towards his or her maintenance and education, in such manner as the trustee, executor or guardian thinks fit, and may also advance to and for any of the children, notwithstanding his or her minority, the whole or any part of the share of the child of and in the money, for the advance- 40 ment or preferment in the world, or on the marriage, of such child. Ib. sec. 11. Investment of shares of infants.

**14.** A guardian appointed under section twelve shall give security to the satisfaction of the court or judge for the faithful performance of his duty as guardian, and for the proper appli- 45 cation of the money which he may receive. Where the amount of the insurance money payable to a guardian of infants does not exceed \$400, and probate is sought in respect of a will for the sole purpose of obtaining insurance money to an amount not exceeding \$400, the fees payable on the appointment of 50 such guardian or executor shall be four dollars and no more, and such fees shall be regulated in the manner prescribed by the sixty-sixth section of "*The Surrogate Courts Act*." Ib. sec. 10, in part. Security by guardian. Fees where insurance not more than \$400.

**15.** If there is no trustee, executor or guardian competent Power to company to

pay money  
into court.

to receive the share of any infant in the insurance money, and the insurance company admit the claim or any part thereof, the company at any time after the expiration of two months from the date of their admission of the claim or part thereof, may obtain an order from the High Court of Justice for the payment of the share of the infant into court; and in such case the costs of the application shall be paid out of the share (unless the court otherwise directs), and the residue shall be paid into court pursuant to the order; and such payment shall be a sufficient discharge to the company for the money paid; and the money shall be dealt with as the court may direct.

Ib. sec. 12.  
Power to sur-  
render policy.

**16.** If a person who has heretofore effected, or who hereafter effects, an insurance for the purposes contemplated by this Act, whether the purpose appears by the terms of the policy or by endorsement thereon, or by an instrument referring to and identifying the policy, finds himself unable to continue to meet the premiums, he may surrender the policy to the company, and accept in lieu thereof a paid-up policy for such sum as the premiums paid would represent, payable at death or at the endowment age or otherwise (as the case may be), in the same manner as the money insured by the original policy if not surrendered would have been payable; and the company may accept the surrender and grant the paid-up policy, notwithstanding any declaration or direction in favour of the wife and children, or any or either of them.

41 Vic. cap. 8,  
sect. 14.

Power to bor-  
row on the  
policy.

**17.** The person insured may, from time to time, borrow from the company insuring, or from any other company or person, on the security of the policy, such sums as may be necessary and shall be applied to keep the policy in force, and on such terms and conditions as may be agreed on; and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall, so long as the policy remains in force, be a first lien on the policy, and on all moneys payable thereunder, notwithstanding any declaration or direction in favour of the wife and children, or any or either of them.

44 Vic. cap. 15.

Insured may  
direct applica-  
tion of bonuses  
and profits.

**18.** Any person insured under the provisions of this Act may, in writing, require the insurance company to pay the bonuses or profits accruing under the policy, or portions of the same, to the insured; or to apply the same in reduction of the annual premiums payable by the insured, in such way as he may direct; or to add the said bonuses or profits to the policy; and the company shall pay or apply such bonuses or profits as the insured directs, and according to the rates and rules established by the company; provided always, that the company shall not be obliged to pay or apply such bonuses or profits in any other manner than stipulated in the policy or the application therefor. This section applies to policies made before the fourth day of March, 1881, and to bonuses and profits then declared in respect of such policies, as well as to policies thereafter made and hereafter to be made.

As to actions  
for insurance  
money.

**19.** Every adult entitled to a share of the insurance money under a policy to which this Act applies, may bring and maintain an action for such share, or all or any such adults may join in one action in respect of a policy. An action

for the shares of infants shall only be brought and maintained by an executor, trustee or guardian, entitled to receive the shares of infants and competent to give a discharge therefor. Not more than one action shall lie for and in respect of the shares of all the infants entitled under a policy. If an action is brought for the share of one or more of the infants, all the other infants entitled, or the trustees, executors or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions where several persons are interested in the money, the court or judge shall apportion among the parties entitled any sum directed to be paid, and shall give all necessary directions and relief.

20. No declaration, or apportionment affecting the insurance money, or any portion thereof, nor any appointment or revocation of a trustee made after the passing of this Act, shall be of any force or effect as respects the company, until the instrument or a duplicate or copy thereof is deposited with the company. Where a declaration or endorsation has been heretofore made and notice has not been given, the company may, until they receive notice thereof, deal with the insured or his executors, administrators or assigns, in respect of the policy, in the same manner and with the like effect as if the declaration or endorsation had not been made.

New Notice of declaration, etc., required.

21. If the policy was effected and premiums paid by the insured with intent to defraud his creditors, the creditors shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

R.S.O., cap. 129, sec. 17.

Fraud in payment of premiums.

22. Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his wife or children or some or one of them, in any other mode allowed by law.

Sect. 18 (*Ib.*) Act not to affect existing rights.

23. Where all the persons entitled to be benefited under any policy are of full age, they and the person insured may surrender the policy, or assign the same, either absolutely or by way of security.

Power of insured and adults to deal with policy.

24. Chapter 129 of the Revised Statutes of Ontario, section 14 of chapter 8 of the Acts passed in the 41st year of Her Majesty's reign, and chapter 15 of the Acts passed in the 44th year of Her Majesty's reign, are hereby repealed. Such repeal shall not affect any act done or right acquired while the said Acts or any of them were in force.

R.S.O., c. 129; 41 V., c. 8, s. 14, and 44 V., c. 15, repealed.



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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to Secure to Wives and Children  
the Benefit of Life Insurance.

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First Reading, 4th March, 1884.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## An Act to amend the General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of any municipality through which a toll road runs, that has been constructed under the *General Road Companies' Act*, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees alongside of the road, in the same manner and with the same rights as if the road were an ordinary highway.
 

Shade trees may be set out on toll roads constructed under R.S.O., c. 152.
2. The Council of any town or village through which the road runs, or any person by the permission or direction of the Council, may plant trees, and may grade, level, cut down, or fill up the land, alongside of the road, and may build side-walks of plank, gravel, or other material thereon, as if the road were an ordinary road or street.
 

Land by side of toll road may be used for certain purposes as if such road were an ordinary road.
3. The Council of any municipality through which any such road runs, shall have authority to make stone, wood or other crossings across such road, and may dig up the road for the purpose of making sewers, and may construct water courses across or alongside the road, and may construct culverts and approaches over water courses or ditches crossing alongside of the road from streets, lanes or buildings in the municipality, and may raise or lower the roadway of the road, or change the grade thereof when necessary in order to connect with other roads or streets, and shall have all other rights and privileges with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the Council shall in every such case replace the road in as good condition as it was before any such work was undertaken, and shall keep in proper repair all such crossings.
 

Council of municipality may make crossings, etc., on road.
4. This Act shall apply to and be held binding on any lessee or any owners of such road whether a joint-stock company or otherwise.
 

Act to apply to lessees and owners of roads.

No. 116.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend the General Road Companies' Act.

First Reading, 4th March, 1884.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act to amend the General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of any municipality through which a toll road runs, that has been constructed under the *General Road Companies' Act*, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees alongside the road, in the same manner and with the same rights as if the road were an ordinary highway. Shade trees may be set out on toll roads constructed under R.S.O., c. 152.
- 10 2. The Council of any *municipality* through which the road runs, or any person by the permission or direction of the Council, may plant *shade and ornamental* trees, and may grade, level, cut down, or fill up the land, alongside of the road, and may build sidewalks of plank, gravel, or other material thereon, Land by side of toll road may be used for certain purposes as if such road were an ordinary road.
- 15 as if the road were an ordinary road or street.
3. The Council of any municipality through which any such road runs, shall have authority to make stone, wood or other crossings across such road, and may dig up the road for the purpose of making sewers, and may construct water Council of municipality may make crossings, etc., on road.
- 20 courses across or alongside the road, and may construct culverts and approaches over water courses or ditches crossing or alongside of the road from streets, lanes or buildings in the municipality, and may raise or lower the road, or change the grade thereof when necessary in order to connect
- 25 with other roads or streets, and shall have all other rights and privileges with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the Council shall in every such case *without unnecessary delay* replace the road in as good condition as it
- 30 was before any such work was undertaken, and shall keep in proper repair all such crossings.
4. *The preceding sections of this Act* shall apply to and be held binding on any lessee or any owners of such road whether a joint-stock company or otherwise. Preceding sections to apply to lessees and owners of roads.
- 35 5. Section 3 of chapter 13 of the Acts passed in the forty-sixth year of Her Majesty's reign and intituled "*An Act to amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works*," is hereby repealed. 46 V. c. 13, s. 3, repealed.
- 40 6. Section 146 of chapter 152 of the Revised Statutes of Ontario, intituled "*An Act respecting Joint Stock Companies*" R. S. O., c. 152, s. 146, amended.

*for the construction or purchase of roads and other works,"* is hereby amended by inserting after the word "report" in the third line thereof, the following words:—"To the Lieutenant-Governor in Council and also."

Sec. 146 further amended. 7. The said section 146 of the said Revised Statute is hereby further amended by adding the following sub-sections thereto :— 5

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of such company. 10

(3) Any violation of this section shall subject the company violating the same to a penalty of fifty dollars for each violation, and of the additional sum of twenty-five dollars for each month during which any such company neglects to make such return ; such penalty to be recovered under the provisions of this Act and paid over to the Treasurer of this Province. 15

Sec. 148 repealed. 8. Section 148 of the said Revised Statute is hereby repealed and the following substituted therefor :—

Book of accounts to be open to inspection. 148. Such book shall be at all times open to the inspection of any person who may for that purpose be appointed by the Commissioner of Public Works of this Province, or by the municipality having jurisdiction as aforesaid. 20





1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the General Road Companies' Act.

*(Reprinted as amended.)*

First Reading,	4th March, 1884.
Second " "	14th " 1884.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting Co-operative Associations, Joint Stock Companies, Benevolent Societies, and other Corporations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section one of the *Revised Statute respecting Co-operative Associations* is hereby repealed, and the following substituted therefor :— R.S.O., c. 158, s. 1, repealed.

(1) At any time hereafter, any seven or more persons who desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of banking and insurance, may make, sign and acknowledge before a notary public or justice of the peace, in duplicate, and file in the office of the registrar of the county, or other registration division in which the business of the Association is intended to be carried on, a certificate in writing in the form mentioned in the schedule to this Act, or to the same effect, together with a copy of the rules agreed upon for the regulation, government and management of the Association, signed by such persons respectively. Seven or more persons may associate together for co-operative labour, trade, etc.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before any notary public, justice of the peace or commissioner, authorized to take affidavits in the High Court, or before the registrar or deputy registrar. Signatures to rules to be verified.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the Association shall become a body corporate by the name therein described, with power to hold such lands as are required for the convenient management of their business. Incorporation.

(4) The registrar or deputy registrar shall, if desired by the person filing the certificate, endorse upon the other duplicate certificate, and upon a duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the Association. Registrar to endorse certificate of filing if required.

(5) Subject to the requirements of section five and the provisions of the said Act, all rules made by the Association may be repealed, altered or amended by other rules passed at any Alteration of rules.

meeting of the Association specially called for that purpose ; provided that no new rule shall have any force or effect until a copy thereof, proved by the affidavit of the President or other head officer of the Association to be a true copy of the rule or rules passed by the Association at a meeting specially called 5 for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed.

R.S.O., c. 158,  
ss. 6 and 7,  
repealed.

2. Sections six and seven of the said *Revised Statute respecting Co-operative Associations*, are hereby repealed. 10

Change of  
name by com-  
pany incorpor-  
ated under  
R.S.O., c. 167.

(Vide R.S.O.,  
c. 167, sec. 4.)

Certificate of  
change of  
name to be  
filed.

Rights and ob-  
ligations of  
society not  
affected.

R.S.O., c. 172,  
to apply to  
companies in-  
corporated  
under R.S.O.,  
c. 150.

Limitation as  
to notice under  
R.S.O., c. 172,  
s. 2.

Letters Patent  
of re-incor-  
poration under  
R.S.O., c. 150,  
s. 65, may  
authorize in-  
crease of  
capital.

3. (1) When a society, incorporated under the provisions of the *Act respecting Benevolent, Provident, and other Societies*, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a judge of the high court or a judge or 15 junior or deputy judge of a county court of the county, or a stipendiary magistrate of the district where the society holds its annual meetings, upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and de- 20 clation of incorporation and making the change desired.

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order, certified by the Provincial Registrar or his deputy, or by the clerk of the peace, as the case may be, to be a true copy 25 of the order filed in the office of the Registrar or clerk, shall be *prima facie* evidence of the change having been made as therein set forth.

(3) No change under the two preceding sub-sections shall affect the rights or obligations of the society, and all suits or 30 proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name. (Vide R. S. O., c. 173, sec. 6.)

4. (1) *The Revised Statute respecting the changing of the names of incorporated companies* shall extend, and shall be deemed to 35 have extended from the time of the passing thereof, to any company incorporated under "*The Ontario Joint Stock Companies' Letters Patent Act*," if such company has made or makes an application thereunder, and shall also extend to every corpora- 40 tion aggregate within the Legislative authority of the Legisla- 40 ture of this Province, except a municipal corporation or other corporation of a like nature.

(2) The notice prescribed by section two of the said *Revised Statute* shall only be required where the applicants are a 45 trading corporation or company carrying on a business for 45 profit.

5. (1) Where a company is re-incorporated under section sixty-five of "*The Ontario Joint Stock Companies' Letters Patent Act*," the Lieutenant-Governor may, by the Letters Patent, in- 50 crease the capital stock of the company to any amount which 50 the shareholders of the company, applying for re-incorporation may, by a resolution passed by a vote of not less than two-thirds in value of those present in person or by proxy, at a general meeting of the company duly called for considering the



same, have declared to be requisite for the due carrying out of the objects of the company.

(2) The resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company.

Allotment of new stock.

6. The Lieutenant-Governor in Council may from time to time prescribe the fees to be paid on applications to the Government for the incorporation of companies, or with respect to changes in the names, constitution or powers of companies or other incorporated bodies, either under this Act or under any other Act of the Legislature of Ontario.

Lieutenant-Governor in Council may prescribe fees.

No. 117.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

Act respecting Co-operative Associations,  
Joint Stock Companies, Benevolent So-  
cieties, and other Corporations.

First Reading, 4th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the distribution of Estates of which the Attorney-General is Administrator or Trustee.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where Her Majesty's Attorney-General for Ontario is, 5 under the provisions of the *Revised Statute respecting the Administration by the Crown of the Estates of Intestates in certain cases* appointed, or becomes, Administrator, or Trustee, for any estate, and the said Attorney-General, or any of his predecessors in the trust, has given such notice as, under the 10 *Revised Statute respecting Trustees and Executors and the Administration of Estates* as amended by the Act passed in the forty-sixth year of Her Majesty's reign, entitled "*An Act to amend the Act respecting Trustees and Executors, and the Administration of Estates,*" would be sufficient for the protection 15 of an Administrator under the said Acts, the provisions of the said Acts shall apply to the said Attorney-General, and to such estate, and to the proceeds of any real or personal property which has come to his hands.

Provisions of R.S.O., c. 107, and 46 Vic., c. 9, made applicable to Attorney-General acting as Administrator under R.S.O., c. 60.

2. After such notice, and notwithstanding the ten years 20 limited by section eight of the said first-mentioned Act have not elapsed, the Attorney-General may pay any money remaining in his hands unclaimed into the Consolidated Revenue Fund of Ontario; or may pay the same or any part thereof, or assign over personal property remaining in his hands, in 25 accordance with any direction of the Lieutenant-Governor in Council made under section six of the *Revised Statute respecting Escheats and Forfeitures*.

Distribution of assets by Attorney-General after notice.

3. In such case no claim shall be maintained against Her Majesty, or this Province, in respect of any moneys or personal 30 property paid over or assigned to any person or persons under the said sixth section of the said last-mentioned Revised Statute, or under this Act; but this shall not prejudice the right of any creditor or claimant to follow the said moneys or property into the hands of the person or persons who may 15 have received the same respectively under the authority of the order in council.

Her Majesty and the Province not liable where property paid away under R.S.O., c. 94, s. 6.

Right of claimants to follow property not affected.

1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the distribution of Estates of which the Attorney-General is Administrator or Trustee.

First Reading, 4th March, 1884.

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THE ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act for further improving the Administration of  
the Law.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. This Act may be cited as "*The Administration of Justice* Short title.  
5 *Act*, 1884."

2. (1) In case after a judgment has been recovered, it is made to appear, on the application of any other creditor of the judgment debtor, that the judgment is fraudulent, or that the action was brought or the judgment obtained in collusion with the debtor, or for the fraudulent purpose of defeating the just claims of other creditors, the court in which the judgment was recovered or a judge thereof may set aside the judgment and any execution issued thereon, or may stay proceedings thereon. (Vide R. S. O., c. 68, sec. 21.)

Court may set  
aside fraudulent  
judgments abso-  
lutely or on  
terms.

15 (2) In such case the court or judge may set aside the judgment or execution either in whole or in part, and may direct that the property seized or liable to be seized under the execution shall be held for the joint benefit of all persons obtaining execution against the debtor within a time to be limited by the order, or may impose such other terms as may be deemed just, and every direction so given or term so imposed shall be binding upon every person receiving a benefit from the order made.

(3) The preceding sub-sections apply where judgments have been heretofore recovered, as well as where judgments are  
25 recovered after the passing of this Act.

(4) The 29th section of the Creditors' Relief Act, 1880, is hereby repealed, and the said Act shall go into force on the first day of next.

3. Where, under rule 324 of the *Judicature Act*, or under any other authority in that behalf, a court or judge makes an order by which judgment and execution may be obtained by an applicant, without a trial and at an earlier period than such applicant would be entitled to obtain the same by the ordinary course of practice, the court or judge may give like directions or impose like terms upon any person receiving benefit from the order as might be made or imposed under the last preceding section upon any person receiving benefit under an order made by virtue thereof.

Terms may be  
imposed in  
order granting  
speedy judgment.

4. In any action in which a verdict is rendered or judgment given for a cause of action on which interest may be

Interest on  
judgments.

allowed under sections 266, 267 or 268 of the Common Law Procedure Act (unless it is otherwise ordered by the court), the verdict or judgment, as the case may be, shall bear interest from the time of the rendering of the verdict, or of giving the judgment, notwithstanding that the entry of judgment upon the verdict, or upon the giving of the judgment, shall have been suspended by the operation of any rule or order of court made or of proceedings had in such suit or action, whether in the court in which the action is pending or in Appeal.

Amounts to be paid to Suitors' Fee Fund.

5. The surplus income arising from the funds in the High Court of Justice after payment of the expenses of the accountant's office, and of such interest on the moneys of suitors as from time to time by rules of court or otherwise is directed to be paid, shall be transferred to the "Suitors' Fee Fund Account." (R. S. O., cap. 40, sec. 104; 41 Vic., cap. 8, sec. 5; Ont. Jud. 15 Act, 1881, sec. 66, sub-sec. 5 and sec. 69.)

Certain losses may be charged on Suitors' Fee Fund.

6. In addition to the present charges on the "Suitors' Fee Fund Account," any Divisional Court or any judge of the Supreme Court of Judicature for Ontario may, from time to time, order to be paid, out of the money at the credit of the said account, any sum required to make good a default arising in respect of suitors' money or securities from any mistake, act, or omission of any official of the court. Such payment is to be without prejudice to any personal liability of the official or his sureties in respect of the mistake, act or omission. (Imp. 35-36 V., c. 44, s. 5.)

Tenure of office by local masters and other officers.

7. It is hereby declared that local masters, local registrars, local clerks, and other officers referred to in the *Ontario Judicature Act*, 1881, who were appointed before the passing of that Act, hold office on the same tenure as those appointed after the said Act went into operation. (44 V. c. 5, s. 64.)

Time of sittings of district court at Sault Ste. Marie.

8. The sittings at Sault Ste. Marie of the district court of the judicial district of Algoma for the trial of issues of fact and assessment of damages, and the sittings of the general sessions of the peace for the said district, shall hereafter commence on the second Tuesday in June and on the second Tuesday in November in each year. (*Vide* R. S. O. cap. 48, sec. 13, and R. S. O. cap. 44, sec. 4.)

Appeal in division court proceedings.

9. In proceedings before a Division Court in interpleader, where the money claimed, or the value of the goods or chattels claimed or of the proceeds thereof, exceeds \$100, and in all actions in which the parties consent to the appeal, an appeal shall lie to the Court of Appeal from the decision of a division court judge upon an application for a new trial, subject to the provisions of the sections numbered from 17 to 22 (both inclusive) of *The Division Courts' Act*, 1880. (*Vide* Imperial Act 19 and 20 Vic., cap. 108, sec. 68.)

Board of county judges may frame tariff of costs for counsel and solicitors.

10. (1) The board of county judges appointed under section 238 of *The Division Courts Act*, or the majority of them, may frame a tariff of costs to be allowed to solicitors and counsel in respect of actions in the County Courts, and may, from time to time, alter and amend the same.

(2) The said board, or any three of them, shall certify to

the judges authorized to make rules under section 54 or section 55 of *The Ontario Judicature Act*, 1881, any tariff so framed, or any alteration thereof; and such judges may approve, disallow or amend any such tariff or alterations; and any such tariff or alterations approved by the said judges shall have the same force and effect as if made under the said Act, by the judges so approving of the same. (45 Vic., c. 11, sec. 2; R. S. O. c. 47, sec. 238-241; Ont. Jud. Act, 1881, secs. 54, 55).

10 11. (1) Where, upon an application for this purpose, it is made to appear to the High Court of Justice or a judge thereof, or to a County Court Judge in this Province, that any court or tribunal of competent jurisdiction in a foreign country has duly authorized, by commission, order or other process, the obtaining  
15 the testimony in or in relation to any action, suit or proceeding pending in or before such foreign court or tribunal, of any witnesses out of the jurisdiction thereof and within the jurisdiction of the court or judge so applied to, such court or judge may order the examination before the person or persons appointed, and in manner and form directed, by the commission,  
20 order or other process of such witnesses accordingly; and may by the same order, or any subsequent order, command the attendance of any persons named therein for the purpose of being examined, or the production of any writings or other  
25 documents mentioned in the order; and give all such directions as to the time, place and manner of the examination, and all other matters connected therewith as may appear reasonable and just; and the order may be enforced, and any disobedience thereof punished, in like manner as in case of an order  
30 made by the same court or judge in a cause depending in such court or before such judge. (Imp. 19-20 Vic. c. 113, s. 1; Imp. 22 Vic., c. 20, s. 1.)

Witnesses may be ordered to be examined in relation to any matter pending before a foreign tribunal.

(2) Every person whose attendance is so ordered shall be entitled to the like conduct money and payment for expenses  
35 and loss of time as upon attendance at a trial in the High Court. (Imp. 22 V., c. 20, s. 3.)

Payment of expenses of witness.

(3) Every person examined under any such commission or other process as aforesaid, shall have the like right to refuse to answer questions tending to criminate himself, and any other  
40 questions which, in a case pending in the court by which or by a judge whereof or before the judge by whom the order for examination was made, the witness would be entitled to refuse to answer; and no person shall be compelled to produce at the examination, any writing or document which he would  
45 not be compellable to produce at the trial of such a cause. (Imp. 19-20 V., c. 113, s. 5.)

Right of refusal to answer questions and to produce documents.

(4) Where the commission directs, or the instruction of the court accompanying the same, direct that the person to be examined shall be sworn or shall affirm before the commissioner or any other person, such commissioner or any other person shall have authority to administer an oath or affirmation to the person to be examined as aforesaid.

12. The Revised Statute, c. 84, is hereby amended as follows:—  
55

Fees to sheriffs.

Items 2, 9, 13, 16, and 17, in the Sheriffs' Schedule are



hereby repealed, and the following substituted therefor :—

- 2. Attending the General Sessions, per diem..... \$5 00
- 9. Advertising holding of General Sessions..... 4 00
- 13. Drawing calendar of prisoners for trial at General Sessions, including copies..... 4 00 5
- 16. Arrest of each individual upon a warrant..... 3 00
- 17. Serving subpoena upon each person..... 1 00

(R. S. O. chapter 44, schedule.)

(2) The following item is added to the Sheriffs' Schedule in the said Statute :— 10

Keeping a record of constables at assizes or sessions, each \$2 00

13. The 162nd section of *The Consolidated Jurors Act, 1883*, is hereby amended by substituting 13 cents for 8 cents on the fee for item 4.

(2) The said section is further amended by adding thereto 15 the following items :—

- 5. Advertising drafting of jury panels..... } \$1 00  
(Required by section 88.)..... }
- 6. Notices to Clerk of the Peace, and Justices, each.. } 0 50  
(Required by same section.)..... }
- 7. Attending to draft jury panels ..... 4 00
- 8. Writing names of jurors on cards ..... 2 00 20

(46 V. c. 7, sec. 162.)

(4) Sections 12, 13 and 14 of this Act shall not apply to the Sheriff of the County of York.

Certain returns to be made by sheriffs and other officers to the inspector of county officers.

14. There shall hereafter be made to the inspector of county offices appointed under *The Ontario Judicature Act, 1881*, 25 to inspect the county offices connected with the administration of justice, the returns required to be made by sheriffs under the 11th and 37th sections of *The Revised Statute respecting the office of sheriff*, and under the statute passed in the 42nd year of Her Majesty's reign, entitled "*An Act respecting the office of Sheriff*;" and the returns required to be made by local masters, local registrars and deputy-registrars under *The Ontario Judicature Act, 1881*, section 64, sub-section 14; and by the County Crown attorneys under *The Local Crown Attorneys' Act*, section 17; and by Clerks of the 35 Peace, under *The Revised Statute respecting Division Courts*, section 18; *The Revised Statute respecting returns of convictions and fines by justices of the peace*, section 7; and *The Revised Statute respecting estreats*, section 16; and by county attorneys and clerks of the peace, under 40 the statute passed in the 43rd year of Her Majesty's reign, entitled *An Act respecting Public Officers of Ontario*; and any other returns which the Lieutenant-Governor in Council may, from time to time, order to be made to the inspector by persons whose offices are by law subject to his in- 45 spection.

(2) The returns to the inspector shall be in lieu of those required by the said statutes.



(3) Where a return relates to moneys which are to be paid over by any officer to the treasurer of the Province, the return shall be in duplicate, one to the treasurer and one to the inspector. (Vide. R. S. O., c. 16, s. 11 and 37; *Ib.* c. 47, s. 18; <sup>5</sup> *Ib.* c. 76, s. 7; *Ib.* 78, s. 17; *Ib.* c. 88, s. 16; 42 Vic. c. 5; *Ib.* 43 Vic. c. 3; *Ib.* 44 Vic. c. 5, s. 70.)

**15.** This Act shall be construed as part of *The Ontario Judicature Act*, 1881. This Act to be read as part of 44 V., c. 5.

No. 119.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act for further improving the Administration of the Law.

First Reading, 5th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

896

An Act to amend the Act respecting the University of Toronto.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of the *Act respecting the University of Toronto*, chapter 210 of the Revised Statutes, is hereby amended by striking out the words "a representative" in the seventh line thereof, and substituting therefor the words "two representatives." R. S. O. c. 210,  
s. 11, amended.
2. Section 26 of the said Act is hereby amended by inserting after the word "head master," in the third line thereof, the words "and of each legally qualified assistant teacher," and after the words "high school masters," in the sixth line, the words "and to each legally qualified assistant teacher." Sec. 26  
amended.
3. Sub-section 7 of section 64 of the said Act is hereby declared to confer, and to have been intended to confer, upon Convocation the power to require a fee to be paid by members of Convocation as a condition of being entitled to vote at the election of Chancellor and Members of the Senate and of being placed upon the Election Register mentioned in section fourteen. Fees from  
members of  
convocation.
4. The following sub-section is hereby added to section 65 of the said Act: Sec. 65  
amended.
  - (1) Convocation may meet at such times and places as may from time to time be ordered by the Executive Committee thereof, and notice of such meeting shall be given in such manner as said Executive Committee shall from time to time determine. Meetings of  
convocation.
5. Section 67 of the said Act is amended by striking out all the words thereof from the beginning of the section down to and inclusive of the words "meetings and" in the fourth line of the said section. Sec. 67  
amended.
6. Section 72 of the said Act is hereby amended by striking out the words "members present" in the second line and substituting the words "votes of members present or represented thereat in such manner as may be provided by any resolution or by-law of Convocation." Sec. 72  
amended.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Act respecting the  
University of Toronto.

First Reading, 14th March, 1884.

Mr. Ross (*Middlesex*.)

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend the Acts respecting the supplying of  
Gas and Water.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Where any municipal corporation has constructed any  
5 gas or water works for supplying the municipality with gas or  
water, it shall be the duty of the corporation to supply with  
gas or water all buildings within the municipality situate upon  
land lying along the line of any supply pipe of the said corpora-  
tion, upon the same being requested by the owner, occupant or  
10 other person in charge of any such building.

Municipal cor-  
poration own-  
ing works to  
supply with  
gas or water  
buildings on  
line of supply,  
on request.

2. Where a company, whether incorporated or unincorpor-  
ated, has constructed any gas or water works for supplying  
any municipality or municipalities with gas or water it shall  
be the duty of such company to supply with gas or water all  
15 buildings situate upon land lying along the line of any supply  
pipe of the company, upon the same being requested by the  
owner, occupant or other person in charge of any such building.

Company own-  
ing works to  
supply gas or  
water to build-  
ings on line of  
supply, on  
request.

3. The charges to be made to all consumers using similar  
quantities of gas or water shall be as nearly as may be equal ;  
20 provided that reduced rates may be granted where unusual  
quantities are required and taken by the owners or occupants  
of any building or buildings, or in order to encourage the use  
of gas or water for certain specified purposes which the cor-  
poration or company deems it its interest to encourage.

Charges to  
consumers.

4. The corporation or company, before supplying gas or  
water to any building or as a condition to its continuing to sup-  
ply the same, may require any consumer to give reasonable secur-  
ity for the payment of the proper charges of the company  
therefor or for carrying the gas or water into such building.

Corporation or  
company may  
require secur-  
ity from con-  
sumer.

5. The quantity used shall be determined by actual mea-  
surement or, in the case of water, by means of general regula-  
tions fixing specific rates having regard to the number of taps,  
rooms, baths and other conveniences in the building or in respect  
of the number in a family, or by means of meters or of such other  
35 regulations as the corporation or company may lawfully adopt.

Mode of  
measurement.

6. Nothing in this Act contained shall be construed in any  
way to affect the liability of any corporation or company in  
respect of damages on account of any failure of supply through  
mischance, accident or mismanagement, but the position of

Liability for  
failure of sup-  
ply not  
affected.

the corporation or company in respect thereto shall remain as if this Act had not been passed.

Company giving mortgage under R.S.O., c. 157, s. 62, may make same a preferential charge on property and works.

7. Where any company incorporated under the *Revised Statute respecting Joint Stock Companies, for supplying cities, towns and villages with gas and water*, hereafter borrows money upon a conveyance by way of mortgage given under section sixty-two of the said Act, and it is by such mortgage declared that the same is intended to be a preferential charge upon the property and rights covered thereby, the said mortgage, upon being registered in the Registry office of the Registry Division in which the lands affected lie, shall, subject to the provisions of the registry laws, take priority of any mortgage, bond, debenture, or other security subsequently executed or granted by the said company. 5 10

(2) Nothing herein contained shall be used to aid in determining whether or not mortgages heretofore executed by any such company are within section sixty-four of the said Act. 15

45 V., c. 18, s.s. 1 & 2, to apply to companies incorporated under 16 V., c. 173; C.S.C., c. 65, and R.S.O., c. 157.

8. Sections one and two of the Act passed in the forty-fifth year of Her Majesty's reign, entitled: "*An Act to extend the powers of Companies for supplying Cities, Towns and Villages with Gas and Water*," shall hereafter apply to every company incorporated under the Act passed in the sixteenth year of Her Majesty's reign, entitled: "*An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*," or under the *Consolidated Statute of Canada, chapter sixty-five*, or the *Revised Statute of Ontario, chapter one hundred and fifty-seven*, whether such company is incorporated for the purpose of supplying gas or water, or both, or for the purpose of furnishing any other means of heating or lighting. (*Vide* 42 Vic., cap. 33.) 20 25 30



No. 121.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend the Acts respecting the  
supplying of Gas and Water.

First Reading, 6th March, 1884.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

974



An Act to amend the Acts respecting the supplying of  
Gas and Water.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Where any municipal corporation has constructed any  
5 gas or water works for supplying the municipality with gas or  
water, *and where there is a sufficient supply thereof*, it shall be  
the duty of the corporation to supply with gas or water all  
buildings within the municipality situate upon land lying  
along the line of any supply pipe of the said corporation, upon  
10 the same being requested by the owner, occupant or other  
person in charge of any such building. Municipal corporation owning works to supply with gas or water buildings on line of supply, on request.
2. Where a company, whether incorporated or unincorporated, has constructed any gas or water works for supplying  
any municipality or municipalities with gas or water, *and where*  
15 *there is a sufficient supply thereof*, it shall be the duty of such  
company to supply with gas or water all buildings *within the*  
*municipality* situate upon land lying along the line of any supply  
pipe of the company, upon the same being requested by the  
owner, occupant or other person in charge of any such building. Company owning works to supply gas or water to buildings on line of supply, on request.
- 20 3. The corporation or company, before supplying gas or  
water to any building or as a condition to its continuing to sup-  
ply the same, may require any consumer to give reasonable secur-  
ity for the payment of the proper charges of the company  
therefor or for carrying the gas or water into such building. Corporation or company may require security from consumer.
- 25 4. Nothing in this Act contained shall be construed in any  
way to affect the liability of any corporation or company in  
respect of damages on account of any failure of supply through  
mischance, accident or mismanagement, but the position of  
the corporation or company in respect thereto shall remain as  
if this Act had not been passed. Liability for failure of supply not affected.
- 30 5. Where any company incorporated under the *Revised*  
*Statute respecting Joint Stock Companies, for supplying cities,*  
*towns and villages with gas and water*, hereafter borrows  
money upon a conveyance by way of mortgage given under  
35 section sixty-two of the said Act, and it is by such mortgage  
declared that the same is intended to be a preferential charge  
upon the property and rights covered thereby, the said mort-  
gage, upon being registered in the Registry office of the Regis-  
try Division in which the lands affected lie, shall, subject to  
the provisions of the registry laws, take priority of any mort-  
Company giving mortgage under R.S.O., c. 157, s. 62, may make same a preferential charge on property and works.

gage, bond, debenture, or other security subsequently executed or granted by the said company.

(2) Nothing herein contained shall be used to aid in determining whether or not mortgages heretofore executed by any such company are within section sixty-four of the said Act. 5

45 V., c. 18, ss. 1 & 2, to apply to companies incorporated under 16 V., c. 173; C.S.C., c. 65, and R.S.O., c. 157.

6. Sections one and two of the Act passed in the forty-fifth year of Her Majesty's reign, entitled: "*An Act to extend the powers of Companies for supplying Cities, Towns and Villages with Gas and Water,*" shall hereafter apply to every company incorporated under the Act passed in the sixteenth year of Her Majesty's reign, entitled: "*An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water,*" or under the *Consolidated Statute of Canada, chapter sixty-five*, or the *Revised Statute of Ontario, chapter one hundred and fifty-seven*, 10 15 whether such company is incorporated for the purpose of supplying gas or water, or both, or for the purpose of furnishing any other means of heating or lighting. (*Vide* 42 Vic., cap. 33.)

BILL.

An Act to amend the Act respecting the supply of Gas and Water.

(Reprinted as amended by Committee of Whole House.)

First Reading,	6th March,	1884.
Second	" 12th	" 1884.

MR. HARDY.

TORONTO

No. 122.]

## BILL.

[1884.]

An Act to further amend chapter ninety-five of the Consolidated Statutes of Canada.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one of the Act passed in the third session of 23 V., c. 36, s. 1, amended.  
5 the sixth Parliament of Canada, held in the twenty-third year of the reign of Her Majesty, and chaptered thirty-six, is hereby amended by omitting from said section all words after the word "held" in the second line of said section, and, instead thereof, inserting these words: "or intended to be held for  
10 any charitable or religious object, with the consent either of the council of the municipality wherein the same is so held or intended to be held, or of the mayor or other chief officer of such municipality; and provided such value does not, as to any one article, exceed one hundred dollars."

No. 122.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to further amend chapter ninety-five of the Consolidated Statutes of Canada.

First Reading, 6th March, 1884.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act respecting the District of Algoma and Thunder Bay.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The territory now comprised within the Territorial District of Thunder Bay is hereby detached from the provisional Judicial District of Algoma, and formed into a separate provisional judicial district by the name of "The Provisional Judicial District of Thunder Bay."

Provisional  
Judicial Dis-  
trict of Thun-  
der Bay estab-  
lished.

2. There are hereby established for the said district a District Court and a Surrogate Court to be presided over by a Judge to be appointed in accordance with the provisions of the *British North America Act, 1867.*

District and  
Surrogate  
Courts estab-  
lished.

3. The laws now in force, or which may hereafter be passed with respect to Surrogate Courts or judges in counties and the officers thereof, shall apply to the Surrogate Courts and Judges of Algoma and Thunder Bay.

Laws respect-  
ing Surrogate  
Courts or  
Judges in  
Counties to  
apply.

4. Subject to the exceptions in the next section contained, the District Courts of Algoma and Thunder Bay shall, in addition to the jurisdiction possessed by County Courts, each have jurisdiction and hold plea subject to appeal ;

Jurisdiction of  
District  
Courts of  
Algoma and  
Thunder Bay.

(1) In all personal actions where the amount claimed does not exceed four hundred dollars ;

(2) In all actions and suits relating to debt, covenant and contract ;

25 Provided always, as to the additional jurisdiction hereby conferred, that the contract was made within the district, or the cause of action arose therein, or the defendant resides therein ;

(3) For the recovery of the possession of real estate in the district ;

30 (4) In replevin, where the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of four hundred dollars, and the goods, property, or effects to be replevied are in the said district. 43 Vic. c. 12, s. 5 ; R. S. O. c. 43, s. 35 ; c. 90, s. 34.)

35 5. The said District Courts shall not have jurisdiction in any of the following cases :—

Exceptions to  
jurisdiction.

(1) Actions for a gambling debt ; or upon a note of hand or other document given wholly or partly in consideration of a gambling debt ;

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars ;

5 (3) Actions against a Justice of the Peace for anything done by him in the execution of his office, if the damages claimed exceed one hundred dollars. (*Vide* 43 V., c. 12, ss. 5, 6.)

6. The sittings at the district town of the District Court of Thunder Bay and of the General Sessions of the said District  
10 shall be held on the second Tuesday of the months of March, June, September and December of each year.

Sittings of District Court.

7. The time allowed for appearance to a writ of summons issued in either of the said Districts, whether out of the High Court of Justice or the District Court for service within  
15 Ontario, or to a writ of *capias* or replevin issued as aforesaid shall be twenty days after the service of the writ, inclusive of the day of such service ;

Time allowed for appearance to writ issued in said Districts ;

(2) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be thirty days, inclusive  
20 of the day of execution, unless a different time is fixed by the order for the writ ;

for putting in special bail ;

(3) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be thirty days, inclusive of the day of service. (*Vide*, 43 Vic., cap. 12, sec. 9.)

in ejectment.

25 8. The provisions regarding Provisional Judicial Districts of the *Revised Statute respecting the Administration of Justice in unorganized Tracts*, of the *Revised Statute respecting Mortgages and sales of personal property*, and of any other Act referring to Provisional Judicial Districts, shall apply to the  
30 said District as fully as if the said Provisional Judicial District had been formed under section 29 of the said first-mentioned statute.

Provisions of R.S.O., cc. 90 and 119, and other Acts to apply.

9. Sections 34, 40, 41, 42, 43 and 62 of the said Revised Statute, chapter 90, shall apply to the said district with the substitution of "Thunder Bay" for "Algoma" wherever "Algoma" occurs in any of the said sections.

R. S. O. c. 90, ss. 34, 40-43 and 62 to apply.

10. All duties imposed by any statute upon the Stipendiary Magistrate in respect of the holding of Division Courts, and all matters connected therewith, in respect of appeals arising  
40 on assessments in any municipality in the said district, in respect of the formation of municipalities therein, and all other duties which, though now performed in the said territory by a Stipendiary Magistrate, are in the District of Algoma performed by the District Judge, shall after this Act  
45 comes into force be performed by the Judge of the said Provisional Judicial District of Thunder Bay. (*Vide*, R.S.O., c. 7 ; R.S.O., c. 175 ; 43 Vic., c. 12, s. 10.)

Certain duties imposed by statute on Stipendiary Magistrate to be performed by District Judge.

11. Until a District Judge has been appointed, and has assumed the duties of his office, any Stipendiary Magistrate  
50 appointed for the said district may in like manner as if this Act had not been passed continue to perform any of the duties now belonging to his office.

Stipendiary Magistrate may act until Judge appointed.

12. The present Sheriff of the territorial district of Thunder Bay shall, without re-appointment, continue to hold office during the pleasure of the Lieutenant-Governor as the Sheriff of the said Provisional Judicial District of Thunder Bay as if appointed after this Act; and the enactments respecting the office of Sheriff of the said territorial district shall apply to the Provisional Judicial District. (*Vide* 43 Vic. cap. 12, s. 12.)

Sheriff of  
Thunder Bay  
continued in  
office.

13. Sittings of the High Court of Justice for Ontario, for the trial of civil and criminal causes, and for the other purposes for which Courts of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius* have been ordinarily held in Ontario shall be held once a year at Sault Ste. Marie and in the district town of Thunder Bay respectively on such days as may from time to time be appointed therefor by the Judges of the High Court of Justice. If the Judges of the said High Court upon enquiry ascertain on any occasion that any of such sittings are not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof.

Sittings of  
High Court.

14. In case such sittings are to be held, the said Judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of Grand and Petit Jurors.

Judges to  
issue precepts  
for jurors.

15. Justices of the Peace who at the time this Act comes into force are Justices of the Peace for Algoma may for the period of one year after the said time act as Justices of the Peace for the said Provisional District, but shall not thereafter act unless re-appointed. (*Vide* R. S. O. c. 90, sec. 50.)

Justices of  
the Peace.

16. The Lieutenant-Governor, by proclamation issued before or after the date appointed for this Act coming into force, may separate any part of the territory now embraced within the territorial district of Thunder Bay from the Provisional Judicial district of Thunder Bay for the purposes (except registry purposes) mentioned in the Revised Statute respecting the territorial districts of Muskoka, Parry Sound and Thunder Bay.

Lieutenant-  
Governor  
may by  
proclamation  
separate part  
of territorial  
district of  
Thunder Bay  
from the  
judicial  
district.

(2) In case such proclamation issues, the territory embraced within the terms of the proclamation shall be a territorial district subject to the provisions of the said Act and shall be known as the territorial district of Western Thunder Bay, or by such other name as may be stated in the proclamation; but for all judicial purposes not provided for by the said Act the said territory shall be part of the said provisional judicial district of Thunder Bay.

(3) In applying the said Act the name "Western Thunder Bay" or the said other name shall be substituted for "Thunder Bay" wherever "Thunder Bay" occurs in the said Act.

(4) The Lieutenant-Governor may at any time by proclamation reattach to the said Provisional Judicial District any territory which under this section has been separated therefrom.

17. This Act shall go into force from a day to be named by proclamation of the Lieutenant-Governor in Council; but any appointment to be made under this Act may be made at any

Commence-  
ment of Act.



time after the passing thereof, to take effect from the day this Act goes into force.

Time of  
sittings of  
district court  
at Sault Ste.  
Marie.

18. The sittings at Sault Ste. Marie of the district court of the judicial district of Algoma for the trial of issues of fact and assessment of damages, and the sittings of the general sessions of the peace for the said district, shall hereafter commence on the second Tuesday in June, and on the second Tuesday in November in each year. (*Vide* R. S. O., c. 48, s. 13, and R. S. O., c. 44, s. 4.) 5

43 V. c. 12, ss.  
5, 6, 7, 10 and  
11, sub-sec. 4  
repealed.

19. Sections 5, 6, 7, 8, 9 and 10, and subsection 4 of Section 10 10  
11 of the Act passed in the forty-third year of Her Majesty's reign entitled "*An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing*," are hereby repealed.

No. 123.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting the Districts of Algoma  
and Thunder Bay.

First Reading, 6th March, 1884.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act to amend the Act respecting Public, Separate  
and High Schools.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 25 of the Act passed in the forty-second year 42 V., c. 34,  
of the reign of Her Majesty, chaptered 34, and intituled, s. 25, repealed.  
“An Act respecting Public, Separate and High Schools,” is  
hereby repealed, and instead thereof there is substituted the  
section following:—

25. Any person, who, if resident in a municipality, would  
10 be entitled to be a supporter of any separate school existing  
either therein or in any adjoining municipality, may, in giving  
notice under section three of “The Assessment Act,” that he  
is the owner of unoccupied land situate in either of said mun-  
15 icipalities, require that all such land as is situate either in the  
municipality wherein such separate school is situate or within  
the distance of three miles in a direct line of the site of said  
separate school, shall be assessed for the purposes of said  
separate school, and the proper assessor shall thereupon enter  
20 such person in the assessment roll as a separate school sup-  
porter, and the proper entries in that behalf shall be made in  
the prescribed column for separate school rates, and such land  
shall be assessed accordingly for the purposes of said separate  
school and not for public school purposes.

2. The following sub-section is hereby added to section 26  
25 of said Act: Sec. 26  
amended.

4. Any board of separate school trustees, and the council of  
any municipality, may enter into an agreement for a term of  
years, that for each year of the said term, and at such times  
and in such sums as may be agreed upon, there shall in lieu of  
30 and as being the amount of the rate to be levied and collected in  
such year for separate school purposes, be paid by said mun-  
icipality to said board a fixed proportion of the total amount of  
the rates levied and collected within the municipality in and  
for such year for both public and separate school purposes;  
35 Provided always, that in and for each such year the rate  
in the dollar of assessment actually levied for separate school  
purposes within said municipality shall be the same as that  
actually levied therein for public school purposes.

Non-residents  
may require  
school tax to  
be appropriat-  
ed to a separ-  
ate school.

Agreements  
between muni-  
cipality and  
separate  
school trustees  
as to payment  
in lieu of  
separate  
school rate.

Proviso.

984  
No. 124.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act to amend the Act respecting Public,  
Separate and High Schools.

First Reading, March 7th, 1884.

Mr. ROSS (*Middlesex*).

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

No. 125.]

## BILL.

[1884.

An Act to amend "*The Consolidated Municipal Act, 1883.*"

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 538 of "*The Consolidated Municipal Act, 1883.*" is 46 V. c. 18, s. 538, amended.  
5 hereby amended by inserting after the word "them," in the seventh line, the following words: "and any bridge or bridges  
" required over rivers, streams or other bodies of water re-  
" quiring to be bridged, crossing such boundary road, or line  
" of road, deviating or used in lieu of such boundary shall be  
10 " erected and maintained jointly by the counties separated by  
" such road or such road so deviating as is herein referred to."

No. 125.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend "*The Consolidated Municipal Act, 1883.*"

First Reading, 7th March, 1884.

MR. MCINTYRE.

TOKONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

986



No. 126.]

## BILL.

[1884.

An Act to amend the Revised Statute respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section one of the *Revised Statute respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, is hereby repealed, and the following substituted therefor : R. S. O. c. 175, s. 1, repealed.

The inhabitants of any township in any of the districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, Municipalities may be organized.  
10 having a population of not less than 100 persons, may organize themselves into a township municipality, and the inhabitants of any locality in any of the said districts not exceeding in area 20,000 acres not surveyed into a township or townships, and having a population of not less than 100 persons, may  
15 likewise organize themselves into a township municipality (six miles square contain 23,040 acres.)

2. Section 53 of the said Act is hereby extended to any municipality or municipalities created by Act of the Legislature in any provisional judicial, temporary judicial or territorial district, and to any territory lying adjacent thereto. Operation of sec. 53 extended.  
20

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Revised Statute respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

First Reading, 10th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

9880

No. 127.]

# BILL.

[1884.

An Act to extend the provisions of the Revised Statute respecting Master and Servant.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Proceedings may be taken under the *Revised Statute re-* Time within  
5 *specting Master and Servant*, within one month after the en- which pro-  
gagement or employment has ceased, or within one month ceedings may  
after the last instalment of wages under the agreement of be taken.  
hiring has become due, whichever shall last happen; and pro- Work done in  
ceedings under section 12 may be had for non-payment of Ontario under  
10 wages in respect of service or labour performed in Ontario agreement  
upon a verbal agreement or bargain made out of Ontario. made out of  
(Vide R. S. O., cap. 133, secs. 7, 8 and 12.) Ontario.

BILL.

An Act to extend the provisions of the  
Revised Statute respecting Master and  
Servant.

First Reading, March 10th, 1884.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



An Act respecting Securities vested in the Treasurer  
of the Province.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Where any security, obligation or covenant, or any interest  
5 in any real or personal estate, effects, or property is given, or  
transferred to, made with, or vested in the Treasurer of On-  
tario, by virtue of his office of treasurer, such security, obliga-  
tion or covenant, and any right of action in respect thereto,  
and all the estate, right or interest of the said treasurer in  
10 respect of such real or personal estate, effects or property  
upon the death, resignation or removal from office of the  
treasurer, from time to time, and as often as the case hap-  
pens and the appointment of a successor takes place, shall,  
subject to the same trusts as the same were respectively  
15 subject to, vest in the succeeding treasurer by virtue of this  
Act, and shall and may be proceeded on by any action or suit  
or in any other manner, or may be assigned, transferred or  
discharged, in the name of such succeeding treasurer as the  
same might have been proceeded on, assigned, transferred or  
20 discharged by the treasurer to, with or in whom they were  
first given, transferred, made, or vested if he had continued to  
hold office. (*Vide* R. S. O. cap. 19, sec. 4; R. S. O. cap. 40,  
sec. 32.)

Securities,  
&c., vested in  
Treasurer of  
Ontario by  
virtue of his  
office, to vest  
in his suc-  
cessor.

2. Every such security, obligation, covenant or interest in  
25 real or personal estate, effects and property may in like man-  
ner as in the last section mentioned be proceeded on, assigned,  
transferred or discharged by and in the name of any member  
of the Executive Council of Ontario, acting under the authority  
of section 3 of the *Revised Statute respecting the Executive*  
30 *Council*. (R. S. O. cap 14.)

Assignment,  
&c., of  
securities.

3. Section 1 of this Act shall apply to every security, obli-  
gation or covenant, and every interest in real or personal estate,  
effects or property given or transferred to, made with, or  
vested in any former Treasurer of Ontario, by virtue or on  
35 account of his said office, and shall transfer all the interest,  
rights and estate of such former treasurer to the present  
Treasurer of Ontario, to be vested in him by virtue of his  
office and subject to the provisions of this Act.

Application of  
sect. 1.

4. Where any Insurance Company desires to substitute other  
40 securities for securities deposited with the Treasurer of On-  
tario under "*The Ontario Insurance Act*," or any other Act  
requiring a deposit by way of security, to be made by any  
Insurance Company, the treasurer, if he thinks fit, may permit  
the substitution to be made.

Treasurer may  
allow insur-  
ance compan-  
ies to change  
securities de-  
posited with  
him.

992

No. 128.

1st Session, 5th Legislature, 47 Vic. 1884.

BILL.

An Act respecting Securities vested in the  
Treasurer of the Province.

First Reading, 10th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 129.]

# BILL.

[1884.

## An Act to amend the "County Courts Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-sections one, two and five of section nineteen of chapter forty-three of the Revised Statutes of Ontario are hereby repealed, and the following substituted in lieu thereof:

R. S. O. c. 43,  
s. 19, sub-ss. 1,  
2 and 5  
repealed.  
Jurisdiction.

(1) In all personal actions where the debt or damages claimed do not exceed the sum of five hundred dollars.

(2) In all causes and actions relating to debt, covenant and contract, to one thousand dollars where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant.

(5) In actions of replevin where the value of the goods or other property or effects distrained, taken or detained does not exceed the sum of five hundred dollars, as provided in *The Replevin Act*.

2. The County Courts in Ontario shall possess the like jurisdiction and authority in respect of the matters hereinafter mentioned as is possessed by the High Court of Justice or any division thereof, that is to say:

County courts to have jurisdiction of High Court in certain cases.

(1) A person entitled to and seeking an account of the dealings and transactions of a partnership dissolved or expired, the joint stock or capital not having been over two thousand dollars.

Partnership account.

(2) A creditor upon the estate of any deceased person, such creditor seeking payment of his debt (not exceeding one thousand dollars), out of the deceased's assets (not exceeding five thousand dollars).

Creditor on estate of deceased person.

(3) A legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy (not exceeding one thousand dollars in amount or value), out of such deceased person's personal assets (not exceeding five thousand dollars).

Legatee.

(4) A residuary legatee or one of the residuary legatees of any such deceased person seeking an account of the residue and payment and appropriation of his share therein (the estate not exceeding five thousand dollars).

Residuary legatee.

(5) An executor or administrator of any such deceased person seeking to have the personal estate (not exceeding two thousand dollars), of such deceased person administered under the direc-

Executor or administrator.

tion of the judge of the county court for the county within which such executor or administrator resides.

**Mortgagee.**

(6) A legal or equitable mortgagee, whose mortgage has been created by some instrument in writing, or a judgment creditor having duly issued a writ of execution against lands and placed the same in the hands of the proper sheriff, or a person entitled to a lien or security for a debt, seeking foreclosure or sale or otherwise to enforce his security where the sum claimed as due does not exceed one thousand dollars. 5

**Person entitled to redeem mortgage.**

(7) A person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed one thousand dollars. 10

**Equitable relief.**

(8) Any person seeking equitable relief for or by reason of any matter whatsoever, where the subject-matter involved does not exceed the sum of one thousand dollars. 15

**Procedure to be the same as in High Court in like cases.**

3. Any person seeking such relief may proceed by the like process and by the same procedure as in similar cases in the High Court subject to any rules of court which may hereafter be passed respecting county courts. 20

**Injunctions to restrain waste or trespass.**

4. Injunctions to restrain the committing of waste or trespass to property by unlawful cutting, destroying or removing trees or timber, may be granted by the judge of any county court, and such injunction shall only remain in force for a period of one month, unless sooner dissolved on an application to a judge of the High Court, who shall, in addition to the power of dissolving, have power to continue; in which latter case the judge of the High Court shall direct by the order continuing the injunction whether in the further prosecuting of the action proceedings shall be continued in the county court or be removed to the High Court. 25 30

**Judges of chancery division to frame rules.**

5. In order that the mode of proceeding under this Act may be fully traced out, and from time to time well-defined, improved and rendered as simple, speedy and cheap as may be, it shall be the duty of the Judges of the Chancery Division of the High Court of Justice to frame such general rules and orders and all such forms as to them may seem expedient concerning the process, practice, orders and proceedings under this Act; and in relation to any of the provisions thereof as to which there may arise doubts, and from time to time to alter and amend such rules, orders and forms, and until such rules, orders and forms are made, the rules, orders and forms applicable to such a case in the High Court of Justice shall be used as far as may be; and such rules, orders and forms as may be made and passed by the said judges, or any two of them (of whom the Chancellor shall be one) shall from and after a day to be named therein be in force in every county court, and shall be of the same force and effect as if the same had been embodied in an Act of this Legislature. 35 40 45 50

**Tariff of costs.**

6. The said Judges shall also, as soon as may be, fix a tariff of costs, to be taxed and allowed on proceedings under the equitable jurisdiction hereby established.



7. In all counties or union of counties for the County Courts of which there are both a senior and junior Judge, the Judges shall sit together in term when practicable. Judges to sit together in term.

8. With respect to all other actions besides those to which the jurisdiction of County Courts is hereby extended, if both parties shall agree by a memorandum in writing, signed by them or their respective solicitors, that any County Court named in such memorandum shall have power to try such action, such County Court shall have jurisdiction to try the same. Jurisdiction by consent.

9. Any person having a cause or supposed cause of action, which is in excess of the jurisdiction of the County Courts under this Act or any former Act, but which may be brought in the High Court of Justice, may, if he so choose, in every instance commence proceedings in the ordinary way, by writ of summons to be issued out of any County Court; and, unless the defendant or one of the defendants shall by and with his appearance to the writ, file a notice stating that he objects to, or disputes, the jurisdiction of the County Court; the County Court out of which the writ issued shall thereupon be seized of jurisdiction, and in default of appearance, or in case the defendant does not file such objection with his appearance, the jurisdiction of the County Court shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the said action had been originally commenced in the High Court of Justice, subject always to the right of any party thereto to remove the same by *certiorari*. Jurisdiction where defendant does not dispute same.

10. In the event of any defendant giving notice as aforesaid of his objection to jurisdiction, the action shall not on that ground abate; but the action and all proceedings shall be, and be deemed to be transferred to the High Court of Justice, and the action shall proceed thereafter entitled in some one of the Divisions of the High Court of Justice, and the writ and proceedings shall be transferred and refiled in the proper office, and thereafter shall proceed as if originally commenced in the High Court of Justice. Action to be transferred if defendant objects to jurisdiction.

11. Chapter forty-three of the Revised Statutes of Ontario, entitled "*An Act respecting County Courts*," is hereby amended in accordance with the provisions of this Act. R. S. O., c. 43, amended in conformity herewith.

No. 129.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to amend the County Courts Act.

First Reading, 10th March, 1884.

MR. MEREDITH.

TORONTO:

PRINTED BY THE "ORIP" PRINTING AND PUBLISHING CO.

# BILL.

An Act to make further provisions respecting the Public Health.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## PART I.—PRELIMINARY.

5 1. This Act may be cited as "*The Public Health Act, 1884.*" Short title.

2. In this Act the following words and expressions shall have the meaning hereinafter assigned to them respectively, unless such meaning is inconsistent with the context, that is to say : Interpretation.

10 (1) "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let. "Owner."

15 (2) "Health District" or "district" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board. "Health districts," "District," "Local Board," and "Board."

(3) "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or moveable. "House."

(4) "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. (R. S. O. c. 190, s. 1.) "Street."

3. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Provincial Board of Health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the Board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations (R. S. O. cap. 190, sec. 20); and the said Board may, by such regulations, provide: Powers of Provincial Board to make regulations for prevention or mitigation of disease.

35 (1) For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto. (R. S. O. cap. 190, sec. 21 (1).)

(2) For the removal of nuisances. (R. S. O. cap. 190, sec. 21 (3).)

(3) For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof. (R. S. O. cap. 190, sec. 21 (2).) 5

(4) For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board the same. (R. S. O. cap. 190, sec. 8.) 15

(5) For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid. (R. S. O. cap. 190, sec. 21 (4)).

(6) For supplying medical aid, and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease. (R. S. O. cap. 190, sec. 22). 20

(7) For house to house visitation. (Imp. Act of 1875, sec. 134.)

(8) For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said Provincial Board seems expedient. (R.S.O. cap. 190, sec. 21 (5).)

Local Boards to see to execution of regulations.

4. It shall be the duty of the Local Boards of Health to superintend and see to the execution of any such regulations; or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. (R. S. O. cap. 190, sec. 22.) 30

Provincial Board may determine extent of liability to which regulations are to apply.

5. The Provincial Board may, by order, declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Board of Health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. (R. S. O. cap. 190, sec. 24, and Imp. Act, sec. 134.) 35 40

Publication of orders and regulations.

6. All orders and regulations so made shall take effect from the approval thereof and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district, or portion or portions of the Province, in which they shall be declared in force. (Vide R. S. O. cap. 190, sec. 29.) 45

Conflicting by-laws of Local Board suspended.

7. During the time that any such orders or regulations are in force in any Health District as provided by the four next preceding sections of this Act, all by-laws of the Local Board of such district which, in any manner, conflict with any 50



such order or regulations, shall be suspended. (R. S. O. cap. 190, sec. 31.)

8. The expenses incurred by the said Provincial Board of Health in connection with such epidemic, shall be defrayed Expenses of Provincial and Local Boards, how defrayed. out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said Local Boards of Health in the execution or in superintending the execution of the regulations of the Provincial Board, shall be defrayed and provided for by the Municipal Corporations having jurisdiction over the respective places affected. (R. S. O. cap. 190, sec. 27.)

9. The Local Board of Health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any such regulation. Prosecution for neglect of regulation. (Imp. 15 Act, sec. 136.)

10. The Board shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the Board. Three members shall be a quorum for the transaction of business. Meetings of Board. (45 Vic. c. 29, sec. 5.)

11. With the concurrence of that member of the Executive Council to whose department the Board of Health is for the time being assigned by the Lieutenant-Governor in Council, the Board may send its Secretary, or any member or members of the Board, to any part of the Province when deemed necessary, to investigate the cause or causes of any contagious or other disease or mortality; and at such investigation evidence may be taken upon oath or otherwise as the said Secretary, member or members may deem expedient; and in such case the Secretary, or any member of the Board present at the investigation, may administer the oath; and the said investigating committee shall have power by warrant, under the hand and seal of any one of its members to call upon any person to give evidence regarding any matter in question in the said investigation; and the said investigating committee shall have all the powers which may be conferred upon Commissioners under "*The Act respecting Inquiries concerning Public Matters.*" (Vide 45 Vic. cap. 29, s. 6.) Investigations as to causes of contagious or other disease.

## PART II.—LOCAL BOARDS OF HEALTH: THEIR ORGANIZATION.

12. All the powers and authorities conferred upon or vested in the members of any municipal council or councils by any statute of the Legislature of this Province, as health officers of the said municipality or municipalities, shall hereafter be vested in the Local or District Board of Health which shall be formed in such Municipality or Municipalities as hereinafter provided. (Vide R. S. O. cap. 190, secs. 2-7, 14-16, 25-26.) Local Boards of Health, their constitution and powers.

(1) There shall be a Local Board of Health in each township and incorporated village, to be composed of the reeve, clerk, and three ratepayers, to be appointed annually by the municipal council.

(2) There shall be a Local Board of Health in each town containing less than four thousand inhabitants to consist of the mayor, clerk, and three ratepayers, to be appointed annually by the municipal council.

(3) There shall be a Local Board of Health for each city 5 and for each town containing more than four thousand inhabitants, to consist of the mayor and six ratepayers, to be appointed annually by the municipal council.

Appointment  
of members of  
Board.

**13.** The first appointment of members of the said Board shall be made at the first meeting of the appointing council, 10 after the passing of this Act.

(2) The annual appointments thereafter shall be made at the first meeting of the appointing council, after the first day of January in every year, and any vacancy arising from any cause, other than the expiration of the time for 15 which the member was appointed, shall be filled at the first meeting thereafter of the appointing council; but, if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

(3) In the event of any vacancy occurring from death or 20 any other cause, the Council shall fill the vacancy.

Union of  
municipalities  
in one Health  
District.

**14.** Two or more councils may, by concurrent by-laws, unite their respective municipalities into a Health District; and any of such councils may withdraw its municipality from the District by a by-law passed prior to the first day of December 25 of any year, and to take effect on the third Monday of January following.

Constitution  
of District  
Boards of  
Health.

**15.** The members of the District Boards of Health shall consist of three members from each municipality included in the District, namely: the head of the council, the municipal 30 clerk, and one other ratepayer not a member of the council, to be appointed by the council.

Powers of Dis-  
trict Boards.

**16.** Every District Board thus constituted and its members shall, in respect of the Health District for which it acts, possess the same powers, be subject to the same regulations, 35 and perform like duties as a Local Board of Health of a municipality and its members.

Officers of  
Local or Dis-  
trict Boards.

**17.** Every Local or District Board shall elect a chairman and the Clerk of the Municipal Council shall be the Secretary of the Local Board, and the District Board may elect one of 40 its members, or appoint some other person, as its Secretary.

Secretary to  
report to Sec-  
retary of Pro-  
vincial Board  
the names of  
members.

**18.** It shall be the duty of the Secretary to report to the Secretary of the Provincial Board of Health the names of the members of the Local Board within one month after its first regular meeting, which shall be held on the third Monday 45 of the same January in which the election shall have taken place.

Provincial  
Board may  
appoint to

**19.** When any municipal council neglects or refuses to elect members or a member of the Local or District Board of

Health as required by this Act, the Provincial Board of Health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such Local or District Board of Health to act with the *ex-officio* or other members.

Local Board  
in case Council  
neglects to do  
so.

5   **20.** Every Municipal Council may appoint a Medical Health Officer and a Sanitary Inspector or Inspectors for the municipality and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers.

Appointment  
of Medical  
Health Officer  
and Sanitary  
Inspector.

### PART III.—POWERS AND DUTIES OF LOCAL BOARDS.

10   **21.** The Municipal Council or Councils, may vote such sums as are deemed necessary by the Local or District Board for the carrying on of its work.

Appropriation  
for work.

15   **22.** The members of the Local and District Boards shall be Health Officers within the meaning of *The Revised Statute respecting the Public Health*, and shall have the powers and duties assigned to Health Officers by the said Act, and the other powers and duties assigned by this Act.

23. One-third of the number of any regularly constituted Board shall be a quorum for the transaction of business.

Quorum.

20   **24.** A minute book shall be provided in which the Secretary shall record the proceedings of the Local Board of Health. The Secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the Board; which report, when  
25 adopted, shall be transmitted to the Secretary of the Provincial Board. The said report shall include the annual report of the Medical Health Officer.

Duties of  
Secretary.

30   **25.** Whenever any Local Board of Health has any authority to direct that any matter or thing should be done by any person or Corporation, such Local Board of Health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the  
35 same shall be recovered in like manner as Municipal taxes. (46 V. c. 18, s. 485.)

Made in which  
Local Board  
may enforce  
its authority.

40   **26.** Wherever the order of any Local Board of Health or Health Officer involves an expenditure of more than one hundred dollars, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board  
45 or officer in the same manner as an order originally made by the board or officer.

Appeal to  
County Judge  
in certain  
cases.

27. Any costs or expenses recoverable from an owner of

Recovery of



costs and expenses of execution of provisions relating to nuisances.

Proviso.

Proviso.

premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect to said premises, as if the same had actually been paid to such owner as part of said rent: Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier: Provided, also that nothing herein contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or to affect any contract whatever between landlord and tenant. Imp. Act, s. 104.

### Nuisances, etc.

Duty of Local Board to inspect districts for detection of nuisances.

28. It shall be the duty of every Local Board of Health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, or of *The Revised Statute respecting the Public Health*, and to enforce the provisions of this Act and the said Revised Statute in order to abate every such nuisance. (Imp. Act, s. 92—also *vide* 48 Vic. c. 18, s. 482 (4), 490 (20), 496 (40).)

Powers of Medical Health Officer.

29. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 3, 4 and 5 of *The Revised Statute respecting the Public Health*, and may, without being specially authorized by the Board, exercise any powers which under section 6 can be conferred upon two medical practitioners, and the Board may act on his report.

Information of nuisances to Local Board.

30. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any Local Board may be given to such Local Board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such Local Board, or by any constable or officer of the police force within the jurisdiction of the Board. (Imp. Act, s. 93.)

Investigation to be made by Local Board.

31. Whenever such information has been so given, it shall be the duty of the Local Board of Health to investigate the cause of the said complaint; and to hear the testimony of all persons who may be produced before it to testify in re-



spect of any such matter ; and every Local Board or any two of its members shall have the same authority as a Justice of the Peace to require and compel the attendance of witnesses and the giving of evidence.

- 5 **32.** Whenever the Local Board of Health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from  
 10 which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided :

Local Board to serve notice requiring abatement of nuisances.

- First*,—That where the nuisance arises from the want or  
 15 defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner ;

- Second*,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or  
 20 continue by the act or default of the owner or occupier of the premises and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the Local Board of Health may report the facts to the municipal council or councils, and such council or councils may abate the nuisance  
 25 ance at the expense of the municipality or district. (Imp. Act, s. 94.)

- 33.** Where a nuisance in any municipality or district appears to be wholly or partially caused by some act or default committed or taking place outside of the said municipality or  
 30 district, the Board of Health of such municipality or district may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act  
 35 or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the municipality or district where the act or default is alleged to be committed or take place. (See Imp. Act, ss. 108  
 40 and 115.)

Power to proceed where cause of nuisance arises without district.

- 34.** All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use, and at the request, of the person, by whose act default or sufferance the nuisance was caused, and such costs and expenses shall be  
 45 recovered by the municipal council or Local Board of Health or person incurring the same, under ordinary process of law ; and the court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just. (Imp. Act. s. 104.)

Recovery of costs and expenses incurred in abating nuisances.

- 50 **35.** In case any person after the passing of this Act, establishes, without the consent of the municipal council of the locality, any offensive trade ; that is to say, the trade of :—

Restriction or establishment of offensive trades.

Blood boiling, or  
 Bone boiling, or  
 Refining of coal oil, or  
 Extracting oil from fish, or  
 Storing of hides, or  
 Soap boiling, or  
 Tallow melting, or  
 Tripe boiling, or  
 Slaughtering of animals, or  
 The manufacturing of gas, or

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any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the Local Board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. (Imp. Act, s. 112.)

Provision where abatement of nuisance involves considerations of difficulty.

**36.** If on an investigation by any Local Board of Health any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the Board has required the removal or abatement of the same within a specified time, the Board finds that default in such removal or abatement has been made, and the case seems to the Board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the Local Board of Health may apply to the Provincial Board of Health to investigate and report upon the same, and it shall be the duty of the said Provincial Board, with the approval of the Minister of the Department to make a full investigation and report. (*Vide* Imp. Act, s. 293.)

(2) If the said report recommends the removal or abatement of such nuisance or thing, the Local Board or any ratepayer of the municipality, or within a mile thereof, may apply to the High Court of Justice, for an order for the removal, or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance shall have been abated to the satisfaction of the Provincial Board of Health; and the said judge may, if he thinks proper, issue such order upon the report of the Provincial Board of Health. (*Vide* Imp. Act, s. 107.)

Proceedings on complaint to Provincial Board of default of local authority.

**37.** Wherever information is obtained by the Provincial Board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have, after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the Provincial Board of Health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

(2) If, after such investigation, it is proved that such remediable unsanitary condition or nuisance exists, it shall

be within the province of the Provincial Board to direct its immediate removal or abatement by the individual or person responsible therefor, and to report the same to the Minister for the time in charge of the Department; and if  
 5 such individual or person neglects or refuses to remove or abate the same, the Provincial Board of Health may cause such removal or abatement to be made, and collect the expenses therefor from such individual or person by ordinary process of law. (*Vide* Imperial Act, sec. 299.)

10 *Contemplated Systems of Public Water Supply, Sewerage, Drainage, etc.*

38. Whenever the establishment of a public water supply or system of sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the Provincial  
 15 Board of Health, and to submit to the said Board, before their adoption, all plans in connection with said system.

Plans relating to proposed public water supply or system of sewerage to be submitted to Provincial Board.

(2) It shall be the duty of the Provincial Board of Health to report whether, in its opinion, the said system is calculated to meet the sanitary requirements of the inhabitants of the said  
 20 municipality; whether any of its provisions are likely to prove prejudicial to the health of any of the said inhabitants, together with any suggestions which it may deem advisable; and to cause copies of said report to be transmitted to the Minister of the Department to which the said Provincial Board of Health is  
 25 attached, and to the Clerk of the Municipal Council, and the Secretary of the Local Board of Health of the District interested. (*Vide* Imp. Act, Secs. 13—21 and 51.)

(3) No drain or sewer, or appliance for ventilation of the same, shall be constructed in violation of any of the principles  
 30 laid down by the Provincial Board of Health, subject to appeal to the Lieutenant-Governor in Council.

*Unsound Meat, etc.*

39. Any Medical Health Officer or Sanitary Inspector may, at all reasonable times, inspect or examine any animal,  
 35 carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for the  
 40 food of man resting with the party charged; and if any such animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk appears to such Medical Officer or Inspector to be diseased, or unsound, or unwholesome or unfit for the food of man, he may seize and carry  
 45 away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

Power of Medical Health Officer or Sanitary Inspector to inspect meat, etc.

(2) The person to whom the same belongs, or did belong  
 50 at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcass, or fish,



or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting Justice, without the infliction of a fine, to imprisonment for a term of not more than three months. (46 Vic. c. 18, s. 496 (3) 5  
(494). (Imp. Act, s. 116 and 117.)

Penalty for  
hindering  
officer from  
inspecting  
meat, etc.

40. Any person who in any manner prevents any Health Officer or Sanitary Inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed 10  
or deposited for the purpose of sale and intended for the food of man; or who obstructs or impedes any such Medical Officer, or Inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding twenty-five dollars. (Imp. Act, s. 118.) 15

*Infectious Diseases and Hospitals.—Provisions against Infection.*

Local Board  
to notify  
owner of pre-  
mises requir-  
ing to be  
cleansed and  
disinfected.

41. Where any Local Board of Health is of opinion, on the certificate of their Medical Health Officer or of any other legally qualified medical practitioner, that the cleansing and 20  
disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such Local Board of Health to give notice in writing to the owner or occupier of such house or part thereof requiring him to cleanse and 25  
disinfect, to the satisfaction of the medical health officer, such house or part thereof and articles, within a time specified in such notice. (Imp. Act, s. 120.)

Penalty if  
notice not  
complied with.

42. If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than 30  
twenty-five cents and not exceeding \$2.00 for every day during which he continues to make default; and the Local Board of Health shall cause such house, or part thereof, and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary 35  
manner. (Imp. Act, s. 120.)

Special provi-  
sion in case of  
poverty of  
owner.

43. Where the owner or occupier of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the Local Board of Health, efficiently to carry out the requirements of this section, such Local Board of Health may, without en- 40  
forcing such requirements on the owner or occupier, cleanse or disinfect such house or part thereof, and articles, and defray the expense thereof. (Imp. Act, s. 120.)

Power of Local  
Board to pro-  
vide hospitals.

44. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the 45  
health officers or Local Board of Health, in case the municipality shall not have already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the 50  
inhabitants, at the cost of the municipality, and for that purpose may



(1) Themselves erect such hospital-tents, hospitals, or places of reception ; or

(2) Contract for the use of any such hospital or part of a hospital or place of reception ; or

5 (3) Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on ; or

(4) Two or more Local Boards of Health may combine in  
10 providing a common hospital. (Imp. Act, s. 131.; 45 Vic., c. 29, s. 14.)

45. Any Local Board of Health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. (Imp. Act, s. 123.)

Provision of conveyance for persons suffering from disease or accident.

46. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, whooping-cough, measles, cholera, or typhoid fever, he shall within twenty-four hours give notice thereof to the Local Board of Health, or to the Medical Health Officer of the district in which he resides, and such notice shall be given either at the office of the medical health officer, or by a communication addressed to him and duly mailed within the  
25 time above specified. (45 Vic., c. 29, s. 18.)

Notice to be given by householder in case of small-pox, etc.

47. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the Board, or of the medical health officer ; and the said Board or Medical Health Officer shall prescribe the conditions of such removal. (New, but vide 45 Vic., c. 29, s. 13.)

Householder not to permit removal of person or of clothing.

48. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the Board of Health or Medical Health Officer ; nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place within the municipality without the consent of the Board or of the Medical Health Officer, who shall in either case prescribe conditions, as aforesaid. (Vide 45 Vic., c. 29, s. 17.)

Removal of sick persons and others in same household.

49. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall within twelve hours give notice thereof to the Local Board of Health, or medical health officer of the municipality in which such diseased person may be, and in such manner as may be directed by By-law of the municipality. (Vide 45 V., c. 29, s. 19.)

Report to be made by Physician.

50. When the small-pox, scarlet fever, diphtheria, cholera or any other disease dangerous to the public health, is found

Precautions to be taken

against spread  
of infection.

to exist in any municipality, the health officers or Local Board of Health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. (45 Vic. c. 29, s. 15.)

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Persons hav-  
ing access to  
sick not to  
mingle with  
general public.

**51.** No such person nor any one having access to any person so affected shall mingle with the general public, except such person is an attending physician or clergyman, who shall be required to adopt all needful precautions to prevent the spread of such disease. (*New.*)

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(2) Nothing shall be permitted to pass from the person so affected to any outside person unless the same shall first have been properly disinfected. (45 V., c. 29, s. 13.)

Power to enter  
on steamboats,  
etc.

**52.** Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the Medical Health Officer, or Sanitary Inspector of the municipality, or, if there is no such officer, any member of the Local Board of Health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such conveyance, notwithstanding it is taken into any other municipality.

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(2) Any member or officer of the Provincial Board of Health, or any medical practitioner authorized by such board, shall have the like authority.

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Isolation of  
persons infect-  
ed or who have  
been exposed  
to infection.

**53.** In case any person coming from abroad, or residing in any municipality within the province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or Local Board of Health of the municipality, where such person may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. (For latter part: *vide* 45 V. c. 29, s. (17).)

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Persons re-  
covering from  
sickness, and  
nurses to take  
precautions  
against spread  
of disease.

**54.** Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or Medical Health Officer, a certificate that in his opinion they have taken such precautions, as to their persons, clothing, and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person

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expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. (*New*, but *vide* 45 Vic., c. 29, secs. 13 and 15).

55. All persons named in the last preceding clause shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the Provincial Board of Health or by the Medical Health Officer, or such as may have been recommended by the attending physician as equally efficacious. (*New, ibid.*)

Measures necessary for disinfection to be adopted.

56. No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health shall expose himself, nor shall any person expose anyone under his charge who is so suffering, or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such disease. (Imp. Act, s. 126, 45 Vic., c. 29, s. 15.)

Notice to be given to person in charge of conveyance in certain cases.

57. The owner or person in charge of any such conveyance must not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the Board of Health or the supervision of the Medical Health Officer, or Sanitary Inspector. (Imp. Act, sec. 127 and 45 V., c. 29, s. 15.)

Conveyance to be disinfected.

58. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the Board may direct as necessary for removing all danger of communicating any such disease to others. (Imp. Act, s. 126. *Vide*, also, 45 Vic., c. 29, s. 13.)

Precautions to be taken respecting clothing, etc.

59. Any Local Board of Health may provide a proper place or portable furnace, with all necessary apparatus and attendance for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by By-law. Imp. Act, s. 122.

Provision of means of disinfection.

60. Any local Board of Health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. Imp. Act, s. 121.

Destruction of infected bedding, etc.

61. No person shall let or hire any house or room in a house in which any of the diseases referred to in section 47 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire, part of a house, to any person admitted as a guest into such inn or house. (Imp. Act., s. 128.)

Houses or rooms occupied by sick persons to be disinfected before being let.



Persons letting houses not to make false statements as to infectious diseases.

**62.** No person letting for hire or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions. (Imp. Act, s. 129.) 5

R. S. O. c. 191, ss. 5-14, to apply to towns, etc. Sec. 3 repealed.

**63.** The provisions of secs. 5 to 14, inclusive, of *The Revised Statute respecting Vaccination and Inoculation*, are hereby extended to towns, incorporated villages, and townships; and the third section of the said Act is hereby repealed. 10

*Assistance by Constables, etc.*

Officer if obstructed may summon assistance.

**64.** Any member of a legally constituted Board of Health, or any Medical Health Officer or Sanitary Inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. (*New.*) 15

*Penal Clauses.*

Penalties.

**65.** Every person violating sections 56, 57, 58, 61, or 62 of this Act, shall be liable for every such offence to a penalty not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. 20

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. *Vide* R. S. O. 190, s. 31, 30 and 45 Vic., c. 30, s. 20.) 25

Recovery of penalties.

**66.** Every such penalty and every other penalty specified in this act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the said Municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the Municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said Municipality for any time not exceeding fourteen days unless the amount imposed is sooner paid. (R. S. O. 190, secs. 31 and 32.) 35 40 45

Application of penalties.

**67.** Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the Local Board of Health and subject to its disposition. (R. S. O. 190, sec. 34.)



*Preservation and Record of House Drainage Plans.*

68. No order or any other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed  
 5 or removable by *certiorari* or other writ or process whatsoever into any of the Superior Courts, and no appeal shall be had to the General Sessions upon any conviction under this Act. (R. S. O. cap. 190, s. 36.)

Proceedings  
not to be  
quashed for  
want of form  
or removed  
into Superior  
Courts.

10 69. The enactments contained in Schedule A, appended to this Act, numbered from three to twenty-two inclusive, shall after the first day of July next, be in force in every Municipality in this Province for which there is a Medical Health Officer and a Sanitary Inspector, as by-laws of such Municipality, as if enacted by the Council thereof, except in so far as  
 15 they shall be altered, amended, or repealed by the Council, (Schedule B.); and the Council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

Application of  
enactments in  
Schedule A.

20 (2) In any Municipality which has no Medical Health Officer and Sanitary Inspector, or has only one of these officers, the said by-laws shall, except as aforesaid, be in force unless so far as they relate to the officer which such Municipality does not possess.

25 (3) Where two or more Municipalities join in the appointment of a Health Officer or Sanitary Inspector, such officer or inspector shall be deemed to be the Health Officer or Inspector of each of the said Municipalities.

# SCHEDULE A.

## Section 43.

### BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

- |   |   |
|---|---|
| Duty of Medical Health Officer.                             | 1. It shall be the duty of the Medical Health Officer to assist and advise the Board and its officers, in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of Health By-laws or Regulations, and of Public Health Acts, and of any other Sanitary Laws, and, if thought advisable by the Board of School Trustees, to act as Medical Inspector of Schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as he may be required by the Board of Health. He shall also present to this Board, before the fifteenth day of November in each year, a full report upon the sanitary condition of the district.   |
| Duty of Sanitary Inspector.                                 | 2. The Sanitary Inspector besides performing the duties hereafter indicated by this By-law as belonging specially to him, shall assist the Medical Health Officer, and perform such other duties as may from time to time be assigned to him by the Board of Health or its Chairman.  |
| Chairman of Board of Health to report to Council.           | 3. The Chairman of the Board of Health shall, before the first day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the Municipality, as rendered to the Board by the Medical Health Officer. A copy of each such report shall be transmitted by the Secretary to the Secretary of the Provincial Board of Health.  |
| Deposits endangering public health forbidden.               | 4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any public street, square, lane, by-way, wharf, dock, ship, lake, pond, bank, harbor, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.  |
| Duty of Sanitary Inspector as to lands, etc.                | 5. It shall be the duty of the Sanitary Inspector, to keep a vigilant supervision over all said lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the parties who own or occupy such lots or premises, or who either personally or through their employes, have deposited such manure, refuse, matter, dirt, or filth, in any lane, or by-way, to cleanse the same, and to remove what is found thereon; such parties shall forthwith remove the same, and if the same be not removed within twenty four hours after such notification, the Inspector may prosecute the parties so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the Board each and every case, of violation of any of the provisions of this By-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.                               |
| Examination of buildings or premises by Sanitary Inspector. | 6. Whenever it shall appear to the Board, or to any of its officers that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ashpit, or cellar kept, or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the Sanitary Inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent, or representative, having charge or control of such premises, after having had |

twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 22 of this By-law.

7. If the Board is satisfied upon due examination, that a cellar, room-tenement, or building within its jurisdiction, occupied as a dwelling, place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 22 of this By-law, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to put premises in proper sanitary condition or to quit same.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house and distant not less than seventy yards from any public street.

Distance of slaughter house, etc.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the Board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of slaughter-house.

10. All dairies or other places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to regular inspection under the direction of the said Board; and the proprietors shall be required to obtain permission in writing from the Board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese-factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the Board.

Inspection of cheese factories and creameries.

11. No person shall offer for sale as food within this Municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or any other cause shall be unfit for use.

Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

Supply of drinking water.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the Board of Health certifies that every well should be filled up, such well shall be forthwith filled up by the owner of the premises.

Wells to be cleaned out or filled up.



Rules respecting disposal of sewage and refuse.

14. The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 22 of this By-law.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer.

RULE 1.—No privy vault, cesspool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment shall have been submitted to and obtained the approval in writing of the Medical Health Officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

Time deposits to be removed.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily, the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the fifteenth day of May.

Cleaning out and disinfecting privy vaults, etc.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cesspools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the fifteenth day of May, and from the fifteenth day of May to the first day of November in each year that they shall be thoroughly disinfected by adding to the contents of the vault, cesspool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

Deodorization before removal.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cesspool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by the "Odorless Excavating Process."

Time for removal of decayed animal or vegetable matter.  
Time for removal of garbage.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on before the fifteenth day of May in each year.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the fifteenth day of May and the first day of November, be regularly removed as often as twice a week.

Hogs.

RULE 7.—Between the fifteenth day of May and the first day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house with floors kept free from standing water and regularly cleansed and disinfected.

Livery stable.

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the fifteenth day of May and the first day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

15. The following regulations regarding the construction of houses, shall be in force within this municipality :—

Soil of building sites to be disinfected.

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site, and the site disinfected, or unless the said soil shall have been covered with a layer of charcoal, covered by a layer of concrete of at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of drains, etc.

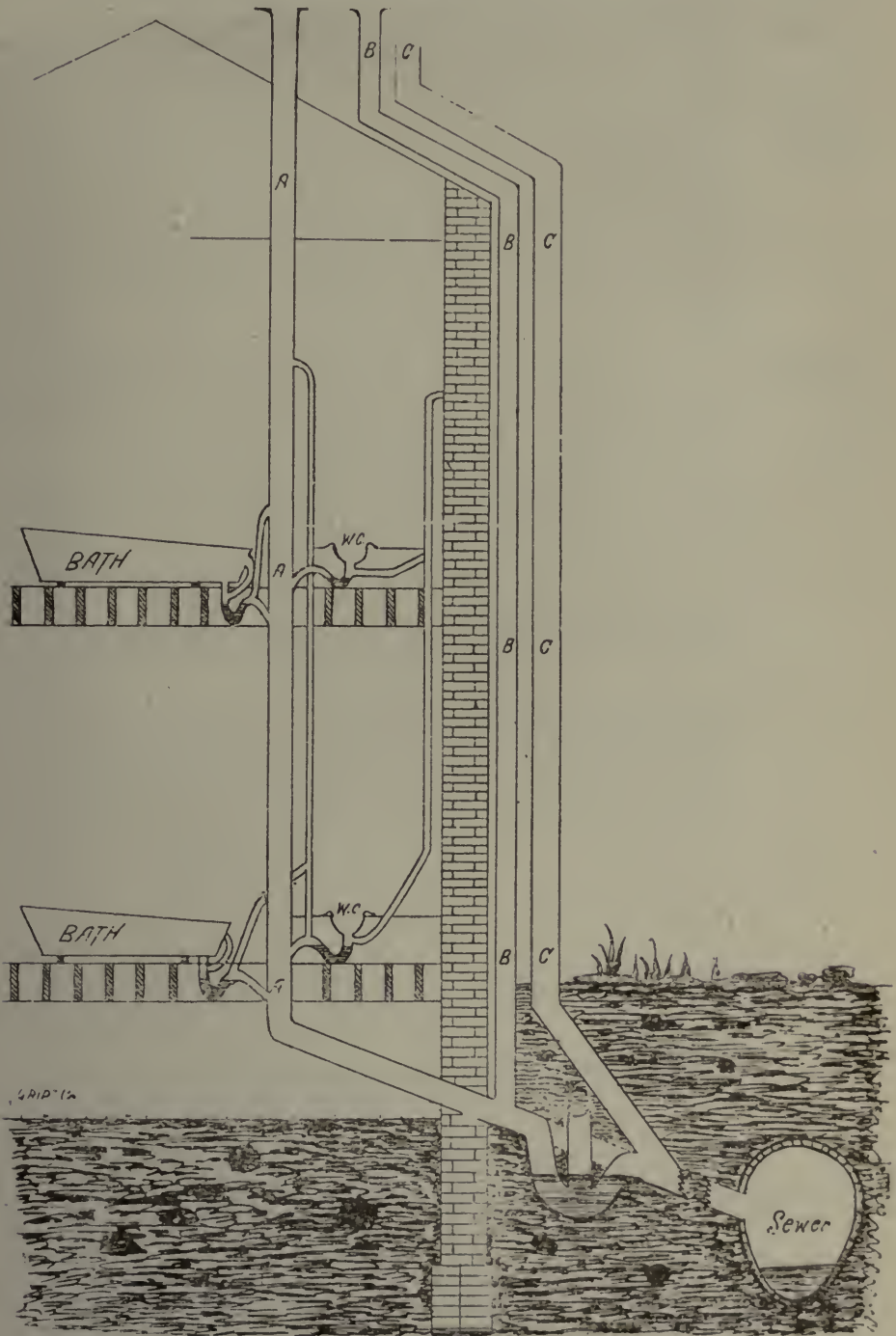
RULE 2.—The drain of every house which may be connected, with a sewer or cesspool, shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap shall intervene between the sewer or cesspool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material



as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for that purpose.

DIAGRAM.



**Description of drain pipes.**      **RULE 3.**—Every house-drain shall be constructed of vitrified earthenware, or of iron pipe; and every soil and waste pipe, of iron pipe rendered impervious to gas or liquids, or of lead pipe weighing at least 6 lbs. to the square foot, the joints thereof being run with lead and caulked; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

**Certain closets prohibited.**      **RULE 4.**—The construction of any closet or other convenience which shall allow of the escape into the house of air or gas, which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited.

**Refrigerator waste.**      **RULE 5.**—No refrigerator waste shall be allowed to connect with any drain.

**Pipes supplying water to closets to be disconnected with other pipes.**      **RULE 6.**—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

16. Every person who erects, or causes to be erected, any building shall, within two weeks of the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

**Rules respecting infectious and contagious diseases.**      17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this By-law:—

**Duties of medical health officer.**      **RULE 1.**—The Medical Health Officer shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said Medical Health Officer any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health; and, also, with other blank forms on which to report death or recovery from any such disease.

**Forms, kind of.**      **RULE 2.**—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the Medical Health Officer.

**RULE 3.**—Said blanks shall be in accordance with the following forms:—

*Report of Infectious Disease.*

Christian name and surname of patient:  
Age of patient:  
Locality, (giving street, number of house or lot), where patient is:  
Name of disease:  
Name of school attended by children from that house:  
Measures for isolation and disinfection employed:  
(Signature of physician):  
.....

*Report of Death or Recovery from Infectious Diseases.*

Name of patient in full:  
Locality, (giving street, number of house, or lot), where patient is:  
Name of disease:  
How long sick:  
Whether dead or recovered:  
Means of disinfection employed, and when employed:  
(Signature of physician):  
.....

**Notice of disease to be posted up.**      **RULE 4.**—The Medical Health Officer, within six hours after he shall have received a notice of the existence of scarlet fever, diphtheria, smallpox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the Medical Health Officer or Board of Health.

RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers. Not to be removed.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health. Animals affected.

18. Any person who violates Section 4, 6, 7, 8 or 9 of this By-law, or Rule 1 of Section 15, or Rule 5 or 6 of Section 17, shall be liable for every such offence to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this By-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the said municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said municipality for any time not exceeding fourteen days, with or without hard labour, unless the amount imposed be sooner paid. Penalties.

#### SCHEDULE B.

##### FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

*By-law Number 24, entitled "A By-law respecting the Public Health By-law."*

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to The Public Health Act, 1884, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law,

Be it therefore enacted by the Municipal Council of

1. Section 13 of the said by-law is hereby amended by substituting the "first day of July of every second year" for "the first day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 2 of section 15 shall not be in force in this municipality until the First day of January 1885.

4. Rule 3 of section 14 is hereby repealed.

5. This by-law shall go into force forthwith.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to make further provisions respecting the Public Health.

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First Reading,	March, 1884.
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Mr. Ross (Middlesex).

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TORONTO :

PRINTED BY C. BLACKETT ROBINSON.



An Act to make further provisions respecting the  
Public Health.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

PART I.—PRELIMINARY.

5 1. This Act may be cited as "*The Public Health Act, 1884.*" Short title.

2. In this Act the following words and expressions shall have the meaning hereinafter assigned to them respectively, unless such meaning is inconsistent with the context, that is to say: Interpretation.

10 (1) "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let. "Owner."

15 (2) "Health District" or "district" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board. "Health district," "District," "Local Board," and "Board."

(3) "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or moveable. "House."

(4) "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. (R. S. O. c. 190, s 1.) "Street."

3. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Provincial Board of Health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the Board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations (R. S. O. cap. 190, sec. 20); and the said Board may, by such regulations, provide: Powers of Provincial Board to make regulations for prevention or mitigation of disease.

(1) For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto. (R. S. O. cap. 190, sec. 21 (1).)

(2) For the removal of nuisances. (R. S. O. cap. 190, sec. 21 (3).)

(3) For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof. (R. S. O. cap. 190, sec. 21 (2).) 5

(4) For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board the same. (R. S. O. cap. 190, sec. 8.) 15

(5) For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid. (R. S. O. cap. 190, sec. 21 (4).)

(6) For supplying medical aid, and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease. (R. S. O. cap. 190, sec. 22.) 20

(7) For house to house visitation. (Imp. Act of 1875, sec. 134.)

(8) For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said Provincial Board seems expedient. (R. S. O. cap. 190, sec. 21 (5).) 25

Local Boards to see to execution of regulations.

4. It shall be the duty of the Local Boards of Health to superintend and see to the execution of any such regulations; or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. (R. S. O. cap. 190, sec. 22.) 30

Provincial Board may determine extent of liability to which regulations are to apply.

5. The Provincial Board of Health may, by order, declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Board of Health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. (R. S. O. cap. 190, sec. 24, and Imp. Act, sec. 134.) 40

Publication of orders and regulations.

6. All orders and regulations so made shall take effect from the approval thereof and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district, or portion or portions of the Province, in which they shall be declared in force. (*Vide* R. S. O. cap. 190, sec. 29.) 45

Conflicting by-laws of Local Board suspended.

7. During the time that any such orders or regulations are in force in any Health District as provided by the four next preceding sections of this Act, all by-laws of the Local Board of such district which, in any manner, conflict with any 50

such order or regulations, shall be suspended. (R. S. O. c. 190, sec. 31.)

8. The expenses incurred by the said Provincial Board of Health in connection with such epidemic, shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said Local Boards of Health in the execution or in superintending the execution of the regulations of the Provincial Board, shall be defrayed and provided for by the Municipal Corporations having jurisdiction over the respective places affected. (R. S. O. cap. 190, sec. 27.)

Expenses of Provincial and Local Boards, how defrayed.

9. The Local Board of Health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any such regulation. (Imp. 15 Act, sec. 136.)

Prosecution for neglect of regulation.

10. The *Provincial Board of Health* shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the Board. Three members shall be a quorum for the transaction of business. (45 Vic. c. 29, sec. 5.)

Meetings of Board.

11. With the concurrence of that member of the Executive Council to whose department the *Provincial Board of Health* is for the time being assigned by the Lieutenant-Governor in Council, the Board may send its secretary, or any member or members of the Board, to any part of the Province when deemed necessary, to investigate the cause or causes of any contagious or other disease or mortality; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient; and in such case the secretary, or any member of the Board present at the investigation, may administer the oath; and the said investigating committee shall have power by warrant, under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the said investigation; and the said investigating committee shall have all the powers which may be conferred upon Commissioners under *The Act respecting Inquiries concerning Public Matters*. (Vide 45 Vic. cap. 29, s. 6.)

Investigations as to causes of contagious or other disease.

40

## PART II.—LOCAL BOARDS OF HEALTH: THEIR ORGANIZATION.

12. (1) All the powers and authorities conferred upon or vested in the members of any municipal council or councils by any statute of the Legislature of this Province, as health officers of the said municipality or municipalities, shall hereafter be vested in the Local or District Board of Health which shall be formed in such municipality or municipalities as hereinafter provided. (Vide R. S. O. cap. 190, secs. 2-7, 14-16, 25-26.)

Local Boards of Health, their constitution and powers.

50 (2) There shall be a Local Board of Health in each township and incorporated village, to be composed of the reeve, clerk and three ratepayers, to be appointed annually by the municipal council.



(3) There shall be a Local Board of Health in each town containing less than four thousand inhabitants ~~to~~ according to the municipal enumeration of the previous year, ~~and~~ to consist of the mayor, clerk and three ratepayers, to be appointed annually by the municipal council. 5

(4) There shall be a Local Board of Health for each city and for each town containing more than four thousand inhabitants, ~~to~~ according to the municipal enumeration of the previous year, ~~and~~ to consist of the mayor and *eight* ratepayers, to be appointed annually by the municipal council. 10

Appointment of members of Board.

13. (1) The first appointment of members of the said Board shall be made at the first meeting of the *municipal* council after the first day of May next.

(2) The annual appointments thereafter shall be made at the first meeting of the *municipal* council, after the first day of 15 January in every year, after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the *muinicipal* council; but, if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter. 20

Union of municipalities in one Health District.

14. Two or more councils may, by concurrent by-laws, unite their respective municipalities into a Health District; and any of such councils may withdraw its municipality from the District by a by-law passed prior to the first day of December of any year, and to take effect on the third Monday of Janu- 25 ary following.

Constitution of District Boards of Health.

15. The members of the District Boards of Health shall consist of three members from each municipality included in the District, namely: the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to 30 be appointed by the council.

Powers of District Boards.

16. Every District Board thus constituted and its members shall, in respect of the Health District for which it acts, possess the same powers, be subject to the same regulations, 35 and perform like duties as a Local Board of Health of a municipality and its members.

Officers of Local or District Boards.

17. Every Local or District Board shall elect a chairman' and the Clerk of the Municipal Council shall be the secretary of the Local Board, and the District Board may elect one of 40 its members, or appoint some other person as its secretary.

Secretary to report to secretary of Provincial Board the names of members.

18. It shall be the duty of the secretary to report to the secretary of the Provincial Board of Health the names of the members of the Local Board within one month after its first regular meeting, which shall be held on the ~~the~~ second Monday 45 after the members, who are not members *ex officio*, have been appointed. ~~and~~

Provincial Board may appoint to

19. When any municipal council neglects or refuses to elect members or a member of the Local or District Board of



Health as required by this Act, the Provincial Board of Health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such Local or District Board of Health to act with the *ex-officio* or other members. Local Board in case Council neglects to do so.

- 5 **20.** Every Municipal Council may appoint a Medical Health Officer and a Sanitary Inspector or Inspectors for the municipality, and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers. Appointment of Medical Health Officer and Sanitary Inspector.

### PART III.—POWERS AND DUTIES OF LOCAL BOARDS.

- 10 **21.** The Municipal Council or Councils may vote such sums as are deemed necessary by the Local or District Board for the carrying on of its work. Appropriation for work.

- 22.** The members of the Local and District Boards shall be Health Officers within the meaning of *The Revised Statute* Health officers.  
15 *respecting the Public Health*, and shall have the powers and duties assigned to Health Officers by the said Act, and the other powers and duties assigned by this Act.

**23.** A majority of the number of any regularly constituted Board shall be a quorum for the transaction of business. Quorum.

- 20 **24.** A minute book shall be provided in which the Secretary shall record the proceedings of the Local Board of Health. The Secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the Board ; which report, when  
25 adopted, shall be transmitted to the Secretary of the Provincial Board of Health. The said report shall include the annual report of the Medical Health Officer. Duties of Secretary.

- 25.** Whenever any Local Board of Health has any authority to direct that any matter or thing should be done by  
30 any person or corporation, such Local Board of Health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress ; and, in case of non-payment thereof, the  
35 same shall be recovered in like manner as municipal taxes. Mode in which Local Board may enforce its authority.  
(46 V., c. 18, s. 485).

- 26.** Wherever the order of any Local Board of Health or Health Officer involves an expenditure of more than *one hundred* dollars, the party against whom the order is made, or  
40 anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing, appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board  
45 or officer in the same manner as an order originally made by the board or officer. Appeal to County Judge in certain cases.

**27.** Any costs or expenses recoverable from an owner of Recovery of

costs and ex-  
penses of  
execution of  
provisions re-  
lating to nuis-  
ances.

Proviso.

Proviso.

premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect to said premises, as if the same had actually been paid to such owner as part of said rent: Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier; unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier: Provided, also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or to affect any contract, whatever between landlord and tenant. (Imp. Act, s. 104.)

#### *Nuisances, etc.*

Duty of Local Board to inspect districts for detection of nuisances.

**28** It shall be the duty of every Local Board of Health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, or of *The Revised Statute respecting the Public Health*, and to enforce the provisions of this Act and the said Revised Statute in order to abate every such nuisance. (Imp. Act, s. 92—also *vide* 48 Vic. c. 18, s. 482 (4), 490 (20), 496 (40).)

Powers of Medical Health Officer.

**29.** A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 3 4 and 5 of *The Revised Statute respecting the Public Health*, and may, without being specially authorized by the Board, exercise any powers which under section 6 can be conferred upon two medical practitioners, and the Board may act on his report.

Information of nuisances to Local Board.

**30.** Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any Local Board may be given to such Local Board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such Local Board, or by any constable or officer of the police force within the jurisdiction of the Board. (Imp. Act, s. 93.)

Investigation to be made by Local Board.

**31.** Whenever such information has been so given, it shall be the duty of the Local Board of Health to investigate the cause of the said complaint; and to hear the testimony of all persons who may be produced before it to testify in re-

spect of any such matter ; and every Local Board or any two of its members shall have the same authority as a Justice of the Peace to require and compel the attendance of witnesses and the giving of evidence.

5   **32.** Whenever the Local Board of Health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from  
10 which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided :

Local Board  
to serve notice  
requiring  
abatement of  
nuisances.

*First*,—That where the nuisance arises from the want or  
15 defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner ;

*Second*,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or  
20 continue by the act or default of the owner or occupier of the premises and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the Local Board of Health may report the facts to the municipal council or councils, and such council or councils may abate the nuisance at the expense of the municipality or district. (Imp. Act,  
25 s. 94.)

**33.** Where a nuisance in any municipality or district appears to be wholly or partially caused by some act or default committed or taking place outside of the said municipality or  
30 district, the Board of Health of such municipality or district may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act  
35 or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the municipality or district where the act or default is alleged to be committed or take place. (See Imp. Act, ss. 108  
40 and 115.)

Power to  
proceed where  
cause of  
nuisance arises  
without dis-  
trict.

**34.** All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and such costs and expenses shall be  
45 recovered by the municipal council or Local Board of Health or person incurring the same, under ordinary process of law ; and the court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just. (Imp. Act. s. 104.)

Recovery of  
costs and ex-  
penses incur-  
red in abating  
nuisances.

50   **35.** In case any person after the passing of this Act, establishes, without the consent of the municipal council of the locality, any offensive trade ; that is to say, the trade of:—

Restriction or  
establishment  
of offensive  
trades.



Blood boiling, or  
 Bone boiling, or  
 Refining of coal oil, or  
 Extracting oil from fish, or  
 Storing of hides, or  
 Soap boiling, or  
 Tallow melting, or  
 Tripe boiling, or  
 Slaughtering of animals, or  
 The manufacturing of gas, or

5

10

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect to the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the Local Board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. (Imp. Act, s. 112.)

Provision where abatement of nuisance involves considerations of difficulty.

**36.** (1) If on an investigation by any Local Board of Health any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the Board has required the removal or abatement of the same within a specified time, the Board finds that default in such removal or abatement has been made and the case seems to the Board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the Local Board of Health may apply to the Provincial Board of Health to investigate and report upon the same, and it shall be the duty of the said Provincial Board, with the approval of the Minister of the Department, to make a full investigation and report. (*Vide* Imp. Act, s. 203.)

(2) If the said report recommends the removal or abatement of such nuisance or thing, the Local Board or any ratepayer of the municipality, or within a mile thereof, may apply to the High Court of Justice, for an order for the removal, or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance shall have been abated to the satisfaction of the Provincial Board of Health; and the said judge may, if he thinks proper, issue such order upon the report of the Provincial Board of Health. (*Vide* Imp. Act. s. 107.)

Proceedings on complaint to Provincial Board of default of local authority.

**37.** (1) Wherever information is obtained by the Provincial Board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the Provincial Board of Health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

(2) If, upon such investigation it is proved that such remediable unsanitary condition or nuisance exists, it shall



be within the province of the Provincial Board to direct its immediate removal or abatement by the individual or person responsible therefor, and to report the same to the Minister for the time in charge of the Department; and if such individual or person neglects or refuses to remove or abate the same, the Provincial Board of Health may cause such removal or abatement to be made, and collect the expenses therefor from such individual or person by ordinary process of law. (*Vide* Imperial Act, sec. 299.)

10 *Contemplated Systems of Public Water Supply, Sewerage, Drainage, etc.*

38. (1) Whenever the establishment of a public water supply or system of sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the Provincial Board of Health, and to submit to the said Board, before their adoption, all plans in connection with said system.

Plans relating to proposed public water supply or system of sewerage to be submitted to Provincial Board.

(2) It shall be the duty of the Provincial Board of Health to report whether, in its opinion, the said system is calculated to meet the sanitary requirements of the inhabitants of the said municipality; whether any of its provisions are likely to prove prejudicial to the health of any of the said inhabitants, together with any suggestions which it may deem advisable; and to cause copies of said report to be transmitted to the Minister of the Department to which the said Provincial Board of Health is attached, and to the Clerk of the Municipal Council, and the Secretary of the Local Board of Health of the District interested. (*Vide* Imp. Act, Secs. 13-21 and 51.)

(3) No sewer, or appliance for the ventilation of the same, shall be constructed in violation of any of the principles laid down by the Provincial Board of Health, subject to appeal to the Lieutenant-Governor in Council.

*Unsound Meat, etc.*

39. (1) Any Medical Health Officer or Sanitary Inspector may, at all reasonable times, inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for the food of man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk appears to such Medical Officer or Inspector to be diseased, or unsound, or unwholesome or unfit for the food of man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

Power of Medical Health Officer or Sanitary Inspector to inspect meat, etc.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcass, or fish,

or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting Justice, without the infliction of a fine, to imprisonment for a term of not more than three months. (46 Vic. c. 18, s. 496 (3) 5 (494). (Imp. Act, s. 116 and 117.)

Penalty for hindering officer from inspecting meat, etc.

**40.** Any person who in any manner prevents any Health Officer or Sanitary Inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed or deposited for the purpose of sale and intended for the food of man; or who obstructs or impedes any such Medical Officer, or Inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding twenty-five dollars. (Imp. Act, s. 118.) 15

*Infectious Diseases and Hospitals.—Provisions against Infection.*

Local Board to notify owner of premises requiring to be cleansed and disinfected.

**41.** Where any Local Board of Health is of opinion, on the certificate of their Medical Health Officer or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such Local Board of Health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the Medical Health Officer, such house or part thereof and articles, within a time specified in such notice. (Imp. Act, s. 120.) 25

Penalty, if notice not complied with.

**42.** If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than twenty-five cents and not exceeding \$2 for every day during which he continues to make default; and the Local Board of Health shall cause such house, or part thereof, and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. (Imp. Act, s. 120.) 30

Special provision in case of poverty of owner.

**43.** Where the owner or occupier of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the Local Board of Health, efficiently to carry out the requirements of the two preceding sections, such Local Board of Health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house or part thereof, and articles, and defray the expense thereof. (Imp. Act, s. 120.) 40

Power of Local Board to provide hospitals.

**44.** In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or Local Board of Health, in case the municipality shall not have already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may 45

(1) Themselves erect such hospital-tents, hospitals, or places of reception; or

(2) Contract for the use of any such hospital or part of a hospital or place of reception; or

5 (3) Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on; or

10 (4) Two or more Local Boards of Health may combine in providing a common hospital. (Imp. Act, s. 131; 45 Vic., c. 29, s. 14.)

45. Any Local Board of Health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. (Imp. Act, s. 123.)

Provision of conveyance for persons suffering from disease or accident.

20 46. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall within twenty-four hours give notice thereof to the Local Board of Health, or to the Medical Health Officer of the district in which he resides, and such notice shall be given either at the office of the Medical Health Officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no Medical Health Officer then to the Secretary of the Local Board of Health either at his office or by communication as aforesaid. (45 Vic., c. 29, s. 18.)

Notice to be given by householder in case of small-pox, etc.

30 47. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the Board, or of the Medical Health Officer or attending physician, and the said Board, or Medical Health Officer, or attending physician shall prescribe the conditions of such removal. (New, but vide 45 Vic., c. 29, s. 13.)

Householder not to permit removal of person or of clothing.

40 48. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the Board of Health, or Medical Health Officer, or attending physician, nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place within the municipality without the consent of the Board or of the Medical Health Officer, or attending physician, who shall in either case prescribe conditions, as aforesaid. (Vide 45 Vic., c. 29, s. 17.)

Removal of sick persons and others in same household.

45 49. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall within twenty-four hours give notice thereof to the Local Board of Health, or Medical Health Officer of the municipality in which such diseased person may be, and in such manner as is directed, by rules two and three of section seventeen of Schedule A. (Vide 45 V., c. 29, s. 19.)

Report to be made by Physician.



Precautions  
to be taken  
against spread  
of infection.

50. When the small-pox, scarlet fever, diphtheria, cholera, or any other *contagious* disease, dangerous to the public health, is found to exist in any municipality, the health officers or Local Board of Health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. (45 Vic., c. 29. s. 15.) 5

Persons hav-  
ing access to  
sick not to  
mingle with  
general public.

51. No such person, except the attending physician or clergyman, nor any one having access to any person affected with small-pox, scarlet fever, diphtheria or cholera shall mingle with the general public until such sanitary precautions as may be prescribed by the Local Board or attending physician shall have been complied with. 10

Power to enter  
on steamboats,  
etc.

52. (1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the Medical Health Officer, or Sanitary Inspector of the municipality, or, if there is no such officer, any member of the Local Board of Health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality. 20 25

(2) Any member or officer of the Provincial Board of Health, or any medical practitioner authorized by such Board, shall have the like authority. 30

Isolation of  
persons infect-  
ed or who have  
been exposed  
to infection.

53. In case any person coming from abroad, or residing in any municipality within the province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or Local Board of Health of the municipality, where such person may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. (For latter part: *vide* 45 V., c. 29, s. (17).) 35 40

Persons re-  
covering from  
sickness, and  
nurses to take  
precautions  
against spread  
of disease.

54. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or Medical Health Officer, a certificate that in his opinion they have taken such precautions, as to their persons, clothing, and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person 45 50



expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. (*New, but vide 45 Vic., c. 29, secs. 13 and 15.*)

5 **55.** All persons named in the last preceding clause shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the Provincial Board of Health or by the Medical Health Officer, or such as may  
10 have been recommended by the attending physician as equally efficacious. (*New, ibid.*)

Measures necessary for disinfection to be adopted.

**56.** No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health shall ex-  
15 pose himself, nor shall any person expose anyone under his charge who is so suffering, or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such  
20 disease. (*Imp. Act, s. 126, 45 Vic., c. 29, s. 15.*)

Notice to be given to person in charge of conveyance in certain cases.

**57.** The owner or person in charge of any such conveyance must not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the Board of  
25 Health or the supervision of the Medical Health Officer, or Sanitary Inspector. (*Imp. Act, sec. 127 and 45 V. c., 29, s. 15.*)

Conveyance to be disinfected.

**58.** No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as  
30 the board may direct as necessary for removing all danger of communicating any such disease to others. (*Imp. Act, s. 126. Vide, also, 45 Vic., c. 29, s. 13.*)

Precautions to be taken respecting clothing, etc.

**59.** Any Local Board of Health may provide a proper place or portable furnace, with all necessary apparatus and attend-  
35 ance for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law. (*Imp. Act, s. 122.*)

Provision of means of disinfection.

40 **60.** Any Local Board of Health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. (*Imp. Act, s. 121.*)

Destruction of infected bedding, etc.

**61.** No person shall let or hire any house or room in a house in  
45 which any of the diseases mentioned in section 46 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of  
50 lodgers shall be deemed to let for hire, part of a house, to any person admitted as a guest into such inn or house. (*Imp. Act., s. 128.*)

Houses or rooms occupied by sick persons to be disinfected before being let.

Persons letting houses not to make false statements as to infectious diseases.

**62.** No person letting for hire or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions. (Imp. Act, s. 129.) 5

R. S. O. c. 191, ss. 5-14, to apply to towns, etc. Sec. 3 repealed.

**63.** The provisions of secs. 5 to 14, inclusive, of *The Revised Statute respecting Vaccination and Inoculation*, are hereby extended to towns, incorporated villages, and townships; and section 3 of the said Act is hereby repealed. 10

#### *Assistance by Constables, etc.*

Officer if obstructed may summon assistance.

**64.** Any member of a legally constituted Board of Health, or any Medical Health Officer or Sanitary Inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. (*New.*) 15

#### *Penal Clauses.*

20

Penalties.

**65.** (1) Every person violating sections 56, 57, 58, 61, or 62 of this Act shall be liable for every such offence to a penalty not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. 25

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. (*Vide* R.S.O. 190, s. 31; and 45 Vic., c. 30, s. 20.) 30

Recovery of penalties.

**66.** Every such penalty and every other penalty specified in this Act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the Municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said municipality for any time not exceeding fourteen days unless the amount imposed is sooner paid. (R. S. O. 190, secs. 31 and 32.) 35

Application of penalties.

**67.** Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the Local Board of Health and subject to its disposition. (R. S. O. 190, sec. 34.) 40

68. No order or any other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or other writ or process whatsoever into any of the Superior Courts, and no appeal shall be had to the General Sessions upon any conviction under this Act. (R. S. O. cap. 190, s. 36.)

Proceedings not to be quashed for want of form or removed into Superior Courts.

69. (1) The enactments contained in Schedule A, appended to this Act, shall after the first day of July next be in force in every Municipality in this Province for which there is a Medical Health Officer and a Sanitary Inspector, as a *by-law* of such Municipality, as if enacted by the Council thereof, except in so far as they shall *in the meantime or thereafter*, be altered, amended, or repealed by the Council, (Schedule B.); and the Council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

Application of enactments in Schedule A.

(2) In any Municipality which has no Medical Health Officer and Sanitary Inspector, or has only one of these officers, the said *enactments* shall except as aforesaid, be in force unless so far as they relate to the officer which such Municipality does not possess.

(3) Where two or more Municipalities join in the appointment of a Health Officer or Sanitary Inspector, such officer or inspector shall be deemed to be the Health Officer or inspector of each of the said Municipalities.

(4) Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a Municipality in respect of a matter over which the Council of the Municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission.



## SCHEDULE A.

## Section 43.

## BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

- Duty of Medical Health Officer. 1. It shall be the duty of the Medical Health Officer to assist and advise the Board and its officers, in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of Health By-laws or Regulations, and of Public Health Acts, and of any other Sanitary Laws, and, if thought advisable by the Board of School Trustees, to act as Medical Inspector of Schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as he may be required by the Board of Health. He shall also present to this Board, before the fifteenth day of November in each year, a full report upon the sanitary condition of the district.
- Duty of Sanitary Inspector. 2. The Sanitary Inspector, besides performing the duties hereafter indicated by this By-law as belonging specially to him, shall assist the Medical Health Officer, and perform such other duties as may from time to time be assigned to him by the Board of Health or its Chairman.
- Chairman of Board of Health to report to Council. 3. The Chairman of the Board of Health shall, before the first day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the Municipality, as rendered to the Board by the Medical Health Officer. A copy of each such report shall be transmitted by the Secretary to the Secretary of the Provincial Board of Health.
- Deposits endangering public health forbidden. 4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.
- Duty of Sanitary Inspector as to lands, etc. 5. It shall be the duty of the Sanitary Inspector, to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the parties who own or occupy such lots or premises, or who either personally or through their employees, have deposited such manure, refuse, matter, dirt, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such parties shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the Inspector may prosecute the parties so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the Board each and every case of violation of any of the provisions of this By-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.
- Examination of buildings or premises by Sanitary Inspectors. 6. Whenever it shall appear to the Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ashpit, or cellar, kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the Sanitary Inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent, or representative, having charge or control of such premises, after having had



twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

7. If the Board is satisfied upon due examination, that a cellar, room-tenement, or building within its jurisdiction, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to put premises in proper sanitary condition or to quit same.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house and distant not less than seventy yards from any public street.

Distance of slaughter-house, etc.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the Board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of slaughter-house.

10. All cow byres and all dairies or other places in which milk is sold or kept for general use, *milch cows* and all cheese factories and creameries shall be subject to regular inspection under the direction of the said Board; and the proprietors shall be required to obtain permission in writing from the Board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the Board.

Inspection of cheese factories and creameries.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or any other cause shall be unfit for use.

Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

Supply of drinking water.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

Wells to be cleaned out or filled up.

Rules respect- 14. The following code of rules and regulations for the disposal of sewage  
ing disposal of and refuse shall constitute a part of this by-law, and any person or persons  
sewage and violating or neglecting any of the said rules and regulations shall be liable  
refuse. to the fines and penalties imposed by section 18 of this by-law.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer. RULE 1.—No privy, vault, cesspool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment shall have been submitted to and obtained the approval in writing of the Medical Health Officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

Time deposits to be removed. RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily, the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the fifteenth day of May.

Cleaning out and disinfecting privy vaults, etc. RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cesspools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the fifteenth day of May, and from the fifteenth day of May to the first day of November in each year that they shall be thoroughly disinfected by adding to the contents of the vault, cesspool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

Deodorization before removal. RULE 4.—Within the limits of this municipality no night-soil or contents of any cesspool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by the "Odorless Excavating Process."

Time for removal of decayed animal or vegetable matter. RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the fifteenth day of May in each year.

Time for removal of garbage. RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the fifteenth day of May and the first day of November, be regularly removed as often as twice a week.

Hogs. RULE 7.—Between the fifteenth day of May and the first day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

Livery stable. RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the fifteenth day of May and the first day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

15. The following regulations regarding the construction of houses, shall be in force within this municipality :—

Soil of building sites to be disinfected. RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site, and the site disinfected, or unless the said soil shall have been covered with a layer of charcoal, covered by a layer of concrete of at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

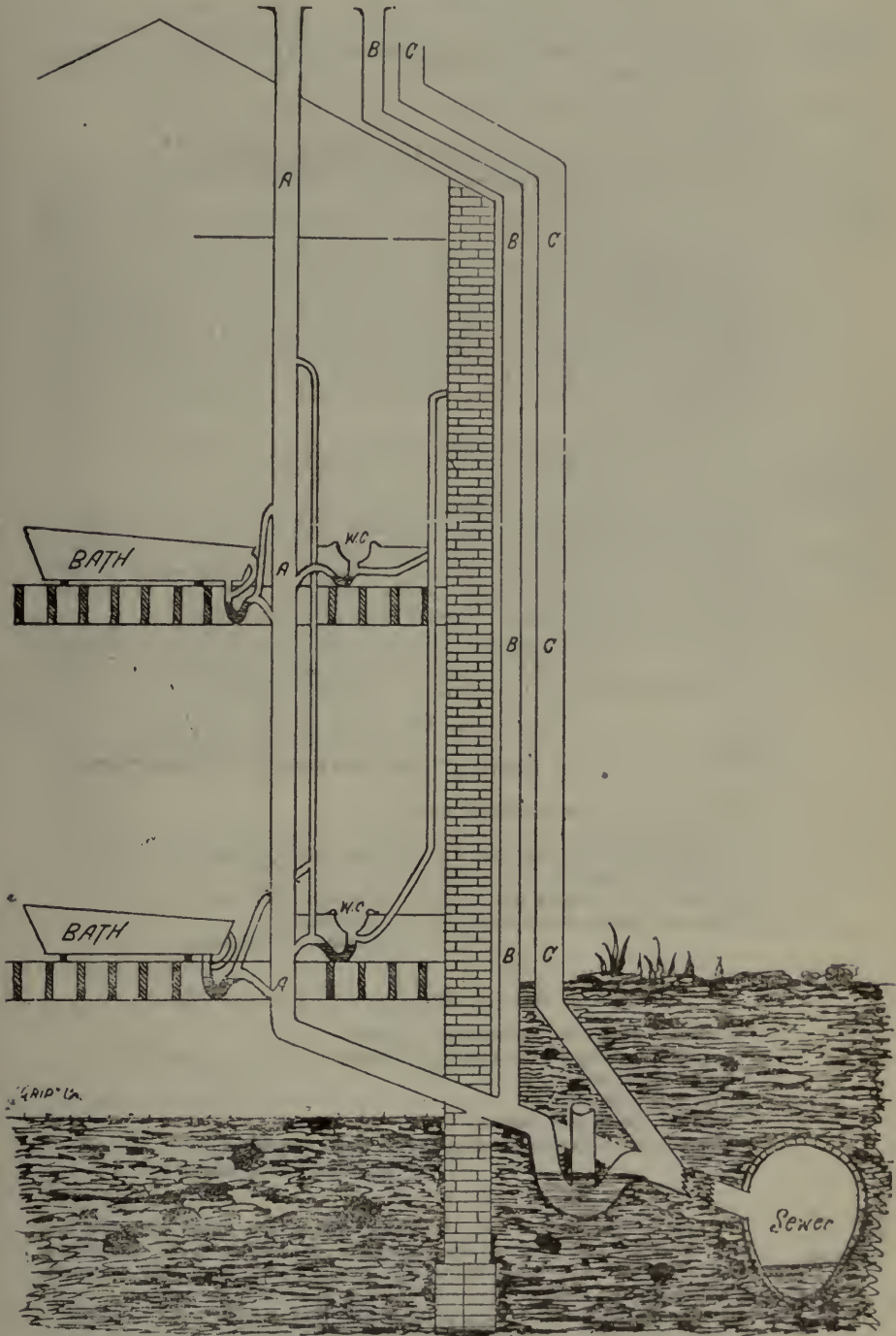
Ventilation of drains, etc. RULE 2.—The drain of every house which may be connected, with a sewer or cesspool, shall be ventilated by means of a pipe extending upward from the highest point of the main soil or wastepipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap shall intervene between the sewer or cesspool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same materia



as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil pipe or drain.

DIAGRAM.



A—Extension upwards of soil pipe.

B—Second ventilating tube.

C—Ventilator for drain in case a trap is placed between the sewer and house.

Description of drain pipes.      RULE 3.—Every house-drain shall be constructed of vitrified earthenware or iron pipe ; and every soil and waste pipe, of iron pipe rendered impervious to gas or liquids, or of lead pipe weighing at least 6 lbs. to the square foot, the joints thereof being run with lead and caulked ; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

Certain closets prohibited.      RULE 4.—The construction of any closet or other convenience which shall allow of the escape into the house of air or gas, which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited.

Refrigerator waste.      RULE 5.—No refrigerator waste shall be allowed to connect with any drain.

Pipes supplying water to closets to be disconnected with other pipes.      RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

16. Every person who erects, or causes to be erected, any building shall, within two weeks of the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed ; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration ; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

Rules respecting infectious and contagious diseases.      17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this By-law :—

Duties of medical health officer.      RULE 1.—The Medical Health Officer shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said Medical Health Officer any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health ; and, also, with other blank forms on which to report death or recovery from any such disease.

Forms, kind of.      RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the Medical Health Officer.

RULE 3.—Said blanks shall be in accordance with the following forms :—

*Report of Infectious Disease.*

Christian name and surname of patient :  
Age of patient :  
Locality, (giving street, number of house or lot), where patient is :  
Name of disease :  
Name of school attended by children from that house :  
Measures employed for isolation and disinfection :  
(Signature of physician) :  
.....

*Report of Death or Recovery from Infectious Disease.*

Christian name and surname of patient :  
Locality, (giving street, number of house or lot), where patient is :  
Name of disease :  
How long sick :  
Whether dead or recovered :  
Means of disinfection employed, and when employed :  
(Signature of physician) :  
.....

Notice of disease to be posted up.      RULE 4.—The Medical Health Officer, within six hours after he shall have received a notice of the existence of scarlet fever, diphtheria, small-pox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the Medical Health Officer or Board of Health.



RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers. Not to be removed.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health. Animals affected.

18. Any person who violates section 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of section 15, or Rule 5 or 6 of section 17, shall be liable for every such offence to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said municipality for any time not exceeding fourteen days, with or without hard labour, unless the amount imposed be sooner paid. Penalties.

#### SCHEDULE B.

##### FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

*By-law Number 24, entitled "A By-law respecting the Public Health By-law."*

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act, 1884*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the Municipal Council of

1. Section 13 of the said by-law is hereby amended by substituting the "first day of July of every second year" for "the first day of July in each year."
2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.
3. Rule 2 of Section 15 shall not be in force in this municipality until the First day of January 1885.
4. Rule 3 of section 14 is hereby repealed.
5. This by-law shall go into force forthwith.

BILL.

An Act to make further provisions respecting the Public Health.

*(Reprinted as amended in Committee of the whole House.)*

First Reading,	10th March,	1884.
Second    "    "	17th       "    "	1884.

Mr. Ross (Middlesex).

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to further amend "The Line Fences Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where, within the meaning of section 3 of "*The Line* Interpreta-  
5 *Fences Act*," there is any dispute between owners or occupants tion.  
of lands situate in different municipalities, the following words  
or expressions in said Act shall have the meaning hereinafter  
expressed, namely :—

(1) The phrase "fence viewers" shall mean two fence "Fence  
10 viewers of the municipality in which is situate the land of the Viewers."  
owner or occupant notified under sub-section 1 of section 3 of  
said Act, and one fence viewer of the municipality in which is  
situate the land of the party or person giving the notice ; ex-  
cept that in case of a disagreement having occurred within the  
15 meaning of sub-section 4 of said section, the said phrase  
"fence viewers" shall mean fence viewers from either or both  
municipalities.

(2) The expression "in which the lands are situate" and the "In which the  
expression "in which the land lies," shall respectively mean lands are  
20 "in which are situate the lands of the owner or occupant so situate,"  
notified under said sub-section one." "In which the  
land lies."

1042

No. 131.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to further amend "The Line Fences  
Act."

First Reading, 11th March, 1884.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## The Municipal Amendment Act, 1884.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as "*The Municipal Amendment Act, 1884.*"

2. Section seventy-seven of "*The Consolidated Municipal Act, 1883,*" is hereby amended by inserting between the word "corporation" and the word "shall" in the twelfth line thereof the words "and no person who is counsel or solicitor, either by himself, or with or through another, in the prosecution of any claim, suit or proceeding against the municipality." 46 V., c. 18, s. 77, amended.

3. In order that widows and unmarried women who are in their own right rated for a property or income qualification sufficient to qualify male voters may hereafter have the right to vote at Municipal Elections, it is enacted that section seventy-nine of the said Act is hereby amended, by inserting after the word "being" in the third line thereof, the words "widows, unmarried women, or." 46 V., c. 18, s. 79, amended. Female franchise.

4. In addition to any other oath or affirmation, which may now be required of any person claiming to vote at a municipal election, the following oath or affirmation may also be required of any widow or unmarried woman so claiming to vote:— Oath to females.

"You swear (*or*, solemnly affirm) that you are the person named or purporting to be named in the list (*or*, supplementary list) of voters now shewn to you."

"That you are unmarried (*or*, a widow, *as the case may be.*)"

5. Section one hundred and sixteen of the said Act is hereby repealed, and the following substituted therefor: 46 V., c. 18, s. 116, repealed.

116. At the nomination meeting or at any time within two days thereafter, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or Chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices; provided always, that the resignation after the nomination meeting of any person so proposed shall be in writing, and shall, within said two days, be delivered to the Clerk of the Municipality. Resignation of persons proposed for office at nomination meetings.

46 V., c. 18,  
s. 234,  
amended.

Summoning  
of special  
meetings of  
council in ab-  
sence of the  
Mayor, etc.

Time for ap-  
pointment of  
auditors in  
cities.

Filling  
vacancies.

Accounts may  
be audited be-  
fore payment.

Duty of  
auditors.

Application of  
existing laws  
as to appoint-  
ment of  
auditors.

46 V., c. 18,  
s. 368,  
repealed.

Exemption of  
manufactories  
or water works  
from taxation.

46 V., c. 18,  
s. 377,  
repealed.

Investment of  
surplus  
moneys raised  
on special  
rates.

6. Section two hundred and thirty-four of the said Act is hereby amended by adding thereto the following provisos:

"Provided, that in the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council."

7. Notwithstanding anything in the said Act, the council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors.

(1) Every such council, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may by by-law fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment made.

(2) Every such council may also, by by-law, provide that such auditors shall audit all accounts before payment.

(3) The auditors so appointed shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction.

(4) The provisions of the existing law as to the appointment of auditors, shall, notwithstanding this Act, or any such by-law, apply to the audit of the accounts of the year in which the by-law takes effect.

8. Section three hundred and sixty-eight of the said Act is hereby repealed, and the following substituted therefor:—

368. Every Municipal Council shall by a two-third vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years.

9. Section three hundred and seventy-seven of the said Act is hereby repealed, and the following substituted therefor:—

377. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality or otherwise, as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by any such order; and from time to time,

as such securities mature, may invest in other like securities: no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The Council of such Municipality may regulate by by-law the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly.

Sinking fund may be used in purchasing unsold Debentures.

10. An award not binding upon the council until adoption, as mentioned in section 404 of *The Consolidated Municipal Act*, 1883, shall be subject to the jurisdiction of the court and to review on the merits at the instance of the person whose property is affected or taken, in the same manner as is provided by section 405 in respect of any award not requiring adoption, and the provisions of sections 403 and 405 shall hereafter extend to every such award.

Power of courts on awards un-adopted by councils.

(2) Such award may be moved against within the term next 25 after the adoption thereof.

11. Sub-section four of section four hundred and eighty-two is hereby repealed, and the following substituted therefor:—

46 V. c. 18, s. 482, sub-s. 4, repealed.

(4) For regulating or preventing the encumbering, injuring, or fouling by animals, vehicles, vessels, or other means, of any public wharf, dock, ship, drain, sewer, shore, bay, harbour, river or water, and for compelling the immediate removal therefrom of all sunken, grounded or wrecked vessels, barges or other craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charter, person in charge or any other person who ought to remove the same;

By-laws to regulate the cleanliness of wharves, docks, etc.

12. Section 495 of the said Act is hereby amended by striking out the words "the Clerk of each Municipality within the County," and inserting instead thereof the words "at the discretion of the Council, either the Treasurer or Clerk of the County, or the Clerk of any Municipality within the County."

46 V. c. 18, s. 495, amended.

13. Sub-sections one, three, four, six, seven, thirty-nine, forty, forty-one and forty-nine of section 496 of the said Act are hereby repealed, and hereafter the Council of every city, town, incorporated village and township may pass by-laws

46 V. c. 18, s. 496, sub-s. 1, 3, 4, 6, 7, 39, 40, 41 and 49.

(1) For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the same and the wasting of water therein or therefrom; for procuring an analysis of any such water and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water;

By-laws for cleansing wells, etc.



- Tainted provisions. (2) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food;
- Nuisances. (3) For preventing and abating public nuisances ;
- Closing and filling up cess-pools, etc. (4) For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may in the judgment of the council be dangerous to health ; 5
- Slaughter-houses, gas-works, distilleries, etc. (5) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; 10
- Limits in which animals may be kept. (6) Also for regulating and prohibiting the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ;
- Construction of cellars, drains etc. (7) For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ; 15
- Filling up drains. (8) For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ; 20
- Regulations for sewerage, etc. (9) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;
- Inspection of milk and provisions. (10) For appointing inspectors and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops, and for licensing and regulating milk vendors and for fixing the fee to be paid for such license at a sum not to exceed one dollar for one year. 25
- Contagious diseases. (11) For making provision for supplying blanks for the notification and recording of cases of contagious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the Public Health or any other act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 30 35
- 46 V. c. 18, s. 496, sub-s. 45, repealed. **14.** Sub-section forty-five of said section four hundred and ninety-six of the said Act is hereby repealed and the following substituted therefor :
- Regulating traffic on streets and width of wheels. (45) For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law. 40 45
- 46 V. c. 18, s. 503, extended to townships. **15.** The powers which by section 503 of the said Act are given to the Council of any city, town and incorporated village to pass by-laws
- Markets. (1) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed ; and 50
- Bread. (2) For preventing the use of deleterious materials in mak-



ing bread, and for providing for the seizure and forfeiture of bread made contrary to the by-law,

are hereby given to the Council of every township.

16. Sub-section six of section five hundred and four of the said Act is hereby repealed, and the following substituted therefor:—

46 V. c. 18, s. 504, sub-s. 6, repealed.

(6) It is hereby enacted that the council of any city, town and incorporated village may pass by-laws for regulating the erections of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town or village; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village, and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire proof, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law.

Regulating erections of buildings and fences.

Establishment of fire limits.

17. Sub-section two of section five hundred and eighty-four of the said Act is hereby repealed, and the following substituted therefor:—

46 V., c. 18, s. 584, sub-s. 2.

(2) Any such municipality neglecting or refusing so to do upon reasonable notice in writing being given by any party interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by any court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal.

Compelling municipalities to make necessary drainage repairs.

18. Section five hundred and eighty-six of the said Act is hereby amended by inserting immediately after the word "provisions," in the second line thereof, the words "of this Act, or."

46 V., c. 18, s. 586, amended.

19. Sub-section one of section six hundred and twelve of the said Act is hereby repealed, and the following sub-section substituted therefor:—

46 V., c. 18, s. 612, sub-s. 1, repealed.

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County Judge, as is provided for by section five hundred and seventy of this Act, and the proceedings thereon shall, except as otherwise provided in section six hundred and eighteen of this Act, be the same respectively as in the case of appeals from ordinary assessments under the Assessment Act.

Manner of ascertaining real property benefited by local improvements.

Appeal.

46 V., c. 18,  
s. 612, sub-s. 8.

**20.** Sub-section eight of section six hundred and twelve is hereby repealed, and the following sub-sections substituted in lieu thereof:—

Construction  
of sewers, etc.,  
in part to be  
provided by  
Council.

(8) If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and shall also provide the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

Council to  
undertake  
works on peti-  
tion of owners  
to be benefited.

(9) Upon the receipt of a petition praying for any of the works, improvements or services mentioned in this section, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, such owners representing at least one-half in value of such real property, the council may make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible.

Confirmation  
of former  
by-laws and  
assessments  
for local im-  
provements.

**21.** In any case where two-thirds in number of the owners representing at least one-half in value (exclusive of the value of improvements) of the lands benefited, and liable to special assessment for the proposed improvements, works, or services, have heretofore, in pursuance of section 552 of the Revised Statutes of Ontario, and as if the same had always remained in force, petitioned any council praying for the making, construction, or doing of any of the improvements, works, or services, provided for by the Consolidated Municipal Act, 1883, or by any other special or private act relating to any city, town or incorporated village, all assessments made or hereafter to be made, and all by-laws passed or hereafter to be passed, by any such council, to provide for, and to defray the cost of any works, improvements, or services, undertaken and carried on pursuant to any such petition, are hereby confirmed and declared valid and binding assessments and by-laws on all persons and bodies corporate concerned, and all real estate thereby affected, notwithstanding the council may have omitted to publish a notice of their intention to make the proposed assessments, as required by Section 612 of the said "The Consolidated Municipal Act, 1883." Provided, that nothing herein contained shall be construed as dispensing or having dispensed with the notice of the sitting of the Court of Revision, for the confirmation of the special assessments, required to be given under the provisions of section 618 of the said "The Consolidated Municipal Act, 1883."

Proviso.

County and  
township con-  
stables.

**22.** The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council; every such constable, and any city, town or village constable shall have the same powers and privileges as a constable appointed for the county by the Court of General Sessions, and may act anywhere within

Their powers.

the Judicial County to which the municipality by which he is appointed belongs.

(2) Where any salaried constable is appointed for any municipality, whether by the Municipal Council or by Police Commissioners, the council may agree that such constable shall keep for his own use his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality.

Rights of  
salaried con-  
stables to  
fees.

23. The times to be appointed for the performance of Statute Labour under the Act of last session, entitled *An Act to provide for the performance of Statute Labour in unincorporated Townships*, shall not be earlier than the twentieth day of June, nor later than the twentieth day of July in any year.

Time for per-  
formance of  
Statute  
Labour.

1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

The Municipal Amendment Act.

First Reading, 11th March, 1884.

HON. MR. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



## The Municipal Amendment Act, 1884.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as "*The Municipal* Short title.  
5 *Amendment Act, 1884.*"

2. Section 77 of "*The Consolidated Municipal Act, 1883,*" 46 V., c. 18,  
is hereby amended by inserting between the word "corporation" s. 77, amended.  
and the word "shall" in the twelfth line thereof the words "and  
no person who is counsel or solicitor, either by himself, or with  
10 or through another, in the prosecution of any claim, suit or  
proceeding against the municipality."

3. In order that widows and unmarried women who are in 46 V., c. 18,  
their own right rated for a property or income qualification s. 79, amended.  
sufficient to qualify male voters may hereafter have the right  
15 to vote at Municipal Elections, it is enacted that section  
79 of the said Act is hereby amended, by inserting after the Female fran-  
word "being" in the third line thereof, the words "widows, chise.  
unmarried women, or."

4. In addition to any other oath or affirmation, which may Oath to  
20 now be required of any person claiming to vote at a municipal be taken  
election, the following oath or affirmation may also be required by females.  
of any widow or unmarried woman so claiming to vote:—

"You swear (*or*, solemnly affirm) that you are the person  
named or purporting to be named in the list (*or*, supplementary  
25 list) of voters now shewn to you.

"That you are unmarried (*or*, a widow, *as the case may be.*)"

5. Section 116 of the said Act is hereby repealed, and the 46 V., c. 18,  
following substituted therefor: s. 116,  
repealed.

116. At the nomination meeting or at any time within two Resignation of  
30 days thereafter, any person proposed for one or more offices may persons pro-  
resign, or elect for which office he is to remain nominated; and posed for  
in default he shall be taken as nominated for the office in office at nomi-  
respect of which he was first proposed and seconded; the Clerk nation meet-  
or other Returning Officer or Chairman shall, on the day ings.  
35 following that of the nomination, post up in the office of the  
Clerk of the Municipality the names of the persons proposed  
for the respective offices; provided always, that the resignation Proviso.  
after the nomination meeting of any person so proposed shall  
be in writing, *signed by him and attested by a witness* and  
40 shall, within said two days, be delivered to the Clerk of the

Proviso. Municipality; ~~and~~ provided, also, that if by reason of any such resignation no candidate but one remains proposed for any particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. ~~and~~

46 V., c. 18,  
s. 234,  
amended.

6. Section 234 of the said Act is hereby amended by adding 5  
thereto the following proviso:

Summoning  
of special  
meetings of  
council in ab-  
sence of the  
Mayor, etc.

"Provided, that in the absence or death of the mayor or head  
of the council, a special meeting may be summoned at any  
time by the clerk upon a special requisition to him, signed by  
a majority of the members of the council."

10

Time for ap-  
pointment of  
auditors in  
cities.

7. (1) Notwithstanding anything in the said Act, the council of  
any city which shall pass a by-law declaring that it is expedi-  
ent to appoint its auditors in the month of December in each  
year, shall, while such by-law remains in force, and in the  
month of December in each year, instead of at its first meeting 15  
after being duly organized, appoint two auditors.

Filling  
vacancies.

(2) Every such council, in the event of a vacancy in the  
office of auditor happening by death, resignation or otherwise,  
may by by-law fill such vacancy, and the person so appointed  
shall hold office for the remainder of the year for which the 20  
original appointment *was* made.

Accounts may  
be audited be-  
fore payment.

(3) Every such council may also, by by-law, provide that  
such auditors shall audit all accounts before payment.

Duty of  
auditors.

(4) The auditors so appointed shall, every month, commencing  
at the end of the first month in the year following the said 25  
month of December, and so on to the end of such year, examine  
and report upon all accounts affecting the corporation, or  
relating to any matter under its control or within its jurisdic-  
tion.

Application of  
existing laws  
as to appoint-  
ment of  
auditors.

(5) The provisions of the existing law as to the appointment 30  
of auditors, shall, notwithstanding this Act, or any such by-  
law, apply to the audit of the accounts of the year in which the  
by-law takes effect.

46 V., c. 18,  
s. 368,  
repealed.

8. Section 368 of the said Act is hereby repealed, and the 35  
following substituted therefor:—

Exemption of  
manufactories  
or water works  
from taxation.

368. Every Municipal Council shall by a two-third vote of  
the members thereof have the power of exempting any manu-  
facturing establishment or any water works or water company  
in whole or in part, from taxation for any period not longer  
than ten years, and to renew this exemption for a further 40  
period not exceeding ten years.

46 V., c. 18,  
s. 377,  
repealed.

9. Section 377 of the said Act is hereby repealed, and the  
following substituted therefor:—

Investment of  
surplus  
moneys raised  
on special  
rates.

377. (1) If any part of the produce of the special rate levied in  
respect of any debt, and at the credit of the sinking fund ac- 45  
count, or of the special rate account thereof, cannot be imme-  
diately applied towards paying the debt by reason of no part  
thereof being yet payable, the Council shall, from time to time,  
invest the same in government securities, municipal deben-  
tures, or in first mortgages on real estate held and used for 50  
farming purposes, and being the first lien on such real estate,

or in local improvement debentures of the municipality or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by any such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The Council of such Municipality may regulate by by-law the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly.

Sinking fund may be used in purchasing unsold Debentures.

**10.** (1) An award not binding upon the council until adoption, as mentioned in section 404 of *The Consolidated Municipal Act*, 1883, shall, if adopted, be subject to the jurisdiction of the court and to review on the merits at the instance of the person whose property is affected or taken, in the same manner as is provided by section 405 in respect of any award not requiring adoption, and the provisions of sections 403 and 405 shall hereafter extend to every such award.

Power of courts to review awards adopted by councils.

(2) Such award may be moved against within the term next after the adoption thereof.

**11.** The council of every city, town and incorporated village may pass by-laws:

(1) For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

By-laws to regulate the cleanliness of wharves, docks, etc.

**12.** Sub-section 3 of section 495 of the said Act is hereby amended by striking out the words "the Clerk of each Municipality within the County," and inserting instead thereof the words "at the discretion of the Council, either the Treasurer or Clerk of the County, or the Clerk of any Municipality within the County."

46 V. c. 18, s. 495, amended.

**13.** Sub-sections 1, 3, 4, 6, 7, 8, 39, 40, 41 and 49 of section 496 of the said Act are hereby repealed, and hereafter the Council of every city, town, incorporated village and township may pass by-laws:

46 V. c. 18, s. 496, sub-ss. 1, 3, 4, 6, 7, 8, 39, 40, 41 and 49, repealed.

(1) For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the

By-laws for cleansing wells, etc.



same and the wasting of water therein or therefrom ; for procuring an analysis of any such water and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water ;

- Tainted provisions. (2) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; 5
- Nuisances. (3) For preventing and abating public nuisances ;
- Closing and filling up cess-pools, etc. (4) For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may in the judgment of the council be dangerous to health ; 10
- Slaughter-houses, gas-works, distilleries, etc. (5) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; 15
- Limits in which animals may be kept. (6) Also for *preventing and* regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ;
- Construction of cellars, drains etc. (7) For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ;
- Filling up, draining, etc., grounds, yards, etc. (8) For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ; 25
- Regulations for sewerage, etc. (9) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;
- Inspection of milk and provisions. (10) For appointing inspectors and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops, and for licensing and regulating milk vendors and for fixing the fee to be paid for such license at a sum not to exceed one dollar for one year. 30
- Contagious diseases. (11) For making provision for supplying blanks for the notification and recording of cases of contagious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the Public Health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 40
- Ringling of bells, etc. (12) For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants. 45

46 V. c. 18, s. 496, sub-s. 45, repealed. 14. Sub-section 45 of said section 496 of the said Act is hereby repealed and the following substituted therefor: 45

Regulating traffic on streets and width of wheels. (45) For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law. 50



15. The powers which by section 503 of the [said Act are 46 V. c. 18, s. 503, extended to townships given to the Council of any city, town and incorporated village to pass by-laws

(1) For preventing or regulating the buying and selling of Markets. 5 articles or animals exposed for sale or marketed; and

(2) For preventing the use of deleterious materials in mak- Bread. ing bread, and for providing for the seizure and forfeiture of bread made contrary to the by-law,

are hereby given to the Council of every township.

10 16. Sub-section 6 of section 504 of the said Act is hereby 46 V. c. 18, s. 504, sub-s. 6, repealed, and it is hereby enacted that the council of any city, town and incorporated village may pass by-laws for regulating the erections of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified 15 parts of the city, town or village; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village, and for regulating the repairing or alteration of roofs or external walls of 20 existing buildings within the said areas, so that the said buildings may be made more nearly fire proof, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law. Establish- ment of fire limits.

25 17. Sub-section 2 of section 584 of the said Act is hereby 46 V., c. 18, s. 584, sub-s. 2. repealed, and the following substituted therefor:—

(2) Any such municipality neglecting or refusing so to do upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such 30 neglect or refusal, may be compellable by *mandamus*, to be issued by any court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason 35 of such neglect or refusal. Compelling municipalities to make necessary drainage repairs.

18. Section 586 of the said Act is hereby amended by in 46 V., c. 18, s. 586, amended serring immediately after the word "provisions," in the second line thereof, the words "of this Act, or."

19. Sub-section 1 of section 612 of the said Act is hereby 46 V., c. 18, s. 612, sub-s. 1, repealed, and the following sub-section substituted therefor:—

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property 45 benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County 50 Judge, as is provided for by section 570 of this Act, and the proceedings thereon shall, except as otherwise provided in section 618 of this Act, be the same respectively as in the case of appeals from ordinary assessments under the *Assessment Act*. Manner of ascertaining real property benefited by local improvements. Appeal.

46 V., c. 18,  
s. 612, sub-s. 8.

**20.** Sub-section 8 of section 612 is hereby repealed, and the following sub-sections substituted in lieu thereof:—

Construction  
of sewers, etc.,  
in part to be  
provided by  
Council.

(8) If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council of any municipality which has not passed a by-law within and under the provisions of section 620 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and shall also provide the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

15

Council to  
undertake  
works on peti-  
tion of owners  
to be benefited.

(9) Upon the receipt of a petition praying for any of the works, improvements or services mentioned in this section, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, such owners representing at least one-half in value of such real property, the council may make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible.

Confirmation  
of former  
by-laws and  
assessments  
for local im-  
provements.

**21.** In any case where two-thirds in number of the owners presenting at least one-half in value (exclusive of the value of improvements) of the lands benefited, and liable to special assessment for the proposed improvements, works, or services, have heretofore, in pursuance of section 552 of chapter 174 of the Revised Statutes of Ontario, and as if the same had always remained in force, petitioned any council praying for the making, construction, or doing of any of the improvements, works, or services, provided for by the *Consolidated Municipal Act*, 1883, or by any other special or private Act relating to any city, town or incorporated village, all assessments made or hereafter to be made, and all by-laws passed or hereafter to be passed, by any such council, to provide for, and to defray the cost of any works, improvements, or services, undertaken and carried on pursuant to any such petition, are hereby confirmed and declared valid and binding assessments and by-laws on all persons and bodies corporate concerned, and all real estate thereby affected, notwithstanding the council may have omitted to publish a notice of their intention to make the proposed assessments, as required by section 612 of the said "*The Consolidated Municipal Act*, 1883;" Provided, that nothing herein contained shall be construed as dispensing or having dispensed with the notice of the sitting of the Court of Revision, for the confirmation of the special assessments, required to be given under the provisions of section 618 of the said "*The Consolidated Municipal Act*, 1883."


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Proviso.

County and  
township con-  
stables.





Their powers.

**22.** (1) The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council; every such constable, and any city, town or village constable shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and shall be subject

also to suspension by the judge of the county court in the same manner and may act within the same limits as a constable appointed by the court of general sessions. 

- (2) Where any salaried constable is appointed for any municipality, whether by the Municipal Council or by Police Commissioners, the council may agree that such constable shall keep for his own use his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality.

Rights of  
salaried con-  
stables to  
fees.

- 10   23. The times to be appointed for the performance of Statute Labour under the Act  passed in the forty-sixth year of the reign of Her Majesty, and  intituled *An Act to provide for the performance of Statute Labour in unincorporated Townships*, shall,  unless the meeting of landholders to elect com-  
15   missioners under said Act otherwise directs, be not  earlier than the twentieth day of June, nor later than the twentieth day of July in any year.

Time for per-  
formance of  
Statute  
Labour.

BILL.

The Municipal Amendment Act, 1884.

*(Reprinted as amended in Committee of the  
whole House.)*

First Reading,	11th March,	1884.
Second	" 14th	" 1884.

MR. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to amend "An Act respecting the administration of Justice in Unorganized Tracts."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 17 of chapter 90 of the Revised Statutes of Ontario is hereby amended by substituting the word "four" for the word "two" in the last line but one of the said section. R. S. O. c. 90, s. 17, amended.

2. Section 46 of the said Act is hereby amended by adding the following sub-sections thereto:

- 10 (2) All returns of convictions required by law to be made by any Justice or Justices of the Peace, shall be made for the Temporary Judicial District of Nipissing to the Clerk of the Peace for the County of Renfrew. Returns of convictions in district of Nipissing to be made to Clerk of the Peace for the county of Renfrew.

- 15 (3) In all cases arising in the said Temporary Judicial District in which, according to the general laws of this Province in matters within the legislative authority of the Legislature of this Province, an appeal lies from the decision of the Stipendiary Magistrate or of any one or more Justices of the Peace, to the General Sessions of the Peace, such appeal shall lie to  
 20 and may be brought before and heard and determined by the Court of General Sessions of the Peace for the County of Renfrew, and such appeal shall be claimed and allowed and prosecuted in the same manner and within the same period as if the same had arisen within the limits of the County of Ren-  
 25 frew. Appeals from stipendiary magistrate of district of Nipissing.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act to amend "An Act respecting the  
Administration of Justice in Unorganized  
Tracts."

---

First Reading, 12th March, 1884.

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MR. ERMATINGER.

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TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

## An Act respecting the Study of Anatomy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act respecting the Study of Anatomy*, chapter 143 of the Revised Statutes, is hereby repealed. R.S.O., c. 143, repealed.
2. The body of any person found dead, publicly exposed, or who immediately before death had been supported by and in any public institution receiving pecuniary aid from the Provincial Government, shall be delivered to persons qualified as hereinafter mentioned to receive it, unless such body be within twenty-four hours after death claimed by persons, solemnly affirming before such person as is hereby empowered to receive such affirmation that they are relatives of the deceased within the degree of cousin german inclusively. Certain bodies may be delivered for dissection.
3. For the purposes of this Act, this Province shall be divided into three sections, which shall be called respectively, the Eastern, the Central and the Western sections, which sections shall respectively comprise such counties and municipalities as the Lieutenant-Governor in Council may be pleased to signify. Province divided into three sections.
4. The Lieutenant-Governor in Council shall appoint during pleasure an Inspector of Anatomy for each such section, and a Local Inspector of Anatomy for each county or municipality within such section, but the Inspector of Anatomy may be the Local Inspector in the place where he is resident. Neither the Inspector nor the Local Inspector shall be a medical man, nor in any way connected with the public teaching of anatomy. Lieutenant-Governor to appoint Inspectors.
5. Every superintendent, warden or keeper, or director of any public institution so receiving public money as aforesaid, in which any person under his or her charge may die, shall within forty-eight hours of such death notify the Inspector or Local Inspectors of Anatomy of such death. Superintendents of public institutions to give notice of deaths in the same.
6. It shall be the duty of the Inspector of Anatomy—
  - (a) To receive from the Local Inspector, or from the municipality in which he resides, the bodies of deceased persons specified in section one of this Act. Duties of Inspectors.
  - (b) To keep a register of the name, age, birth-place, sex, date of receiving, and such other particulars, if name, age, birth place are unknown, as may assist in establishing identity, and said register shall be open to inspection.

(c) To keep a register of places where human anatomy is publicly taught.

(d) To make to such places an impartial distribution of bodies received by him under the powers of this Act, in proportion to the number of persons actually engaged in the study of human anatomy. 5

(e) To grant certificates authorizing the study of human anatomy in such places as to him may seem proper.

(f) To inspect these places from time to time, and to certify in a book to be provided by the owners or occupiers of such place or places, the condition in which it was found, together with the date and hour. 10

Duties of  
Local In-  
spectors.

7. It shall be the duty of the Local Inspectors—

(a) To forthwith transmit to the Inspector of his section any notice which he shall have received of persons referred to in section 1 to this Act, with date of such reception, as well as the body which he may have received or taken. 15

(b) To deliver the body to the Inspector of his section only, under the penalty hereafter provided.

Coroner to  
give notice of  
bodies found  
dead.

8. Every coroner, whether he does or does not hold an inquest on any body found dead, publicly exposed or unclaimed, shall also notify the Inspector or Local Inspector of anatomy, as the case may be, under pain of dismissal from his office. 20

Payment of  
Inspectors.

9. The Inspector shall pay to the Local Inspector five dollars over and above necessary expenses and cost of transport of every body so received, and the Inspector shall be paid by the party or parties so receiving bodies for anatomical purposes, two dollars and a-half over and above the sum paid to the Local Inspector, as well as the necessary expenses connected with the conveyance of said body to the dissecting rooms. 25 30

Bodies not to  
be sent by  
Local In-  
spectors from  
April 1 to  
October 1.

10. (1) Bodies shall not be sent to the Inspector of Anatomy from Local Inspectors between the first day of April and the first day of October of each year, nor shall bodies mutilated from any cause, so as not to serve the purpose of this Act, be sent or paid for. 35

(2) Persons dying of infectious or contagious diseases, shall not be included in the first section of this Act.

Penalties.

11. A fine of fifty dollars for each offence shall be imposed on an Inspector who fails to comply with the provisions of this Act, and a fine of twenty dollars for each offence shall be imposed on a Local Inspector; and all offences shall be tried summarily by a Police Magistrate or County Judge, on complaint, under oath, of any aggrieved person. 40

Interment of  
remains.

12. After dissection the remains shall be decently interred.





No. 134.

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1st Session, 5th Legislature, 47 Vic., 1884.

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BILL.

An Act respecting the Study of Anatomy.

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First Reading, 13th March, 1884.

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MR. McLAUGHLIN.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

## An Act respecting the Study of Anatomy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act respecting the Study of Anatomy*, chapter 143 of the Revised Statutes, is hereby repealed. R.S.O., c. 143, repealed.

2. The body of any person found dead, publicly exposed, or of any person who immediately before death had been supported by and in any public institution receiving pecuniary aid from the Provincial Government, shall be delivered to persons qualified as hereinafter mentioned to receive it, unless such body be within *forty-eight* hours after death claimed by persons, solemnly affirming before such person as is hereby empowered to receive such affirmation that they are relatives of the deceased within the degree of cousin german inclusively; Certain bodies may be delivered for dissection.  
 15 ~~and~~ provided, that nothing in this Act shall prevent the attending physician from making any post mortem examination necessary in the interest of science. Proviso.

3. For the purposes of this Act, this Province shall be divided into three sections, which shall be called respectively, the Eastern, the Central and the Western sections, which sections shall respectively comprise such counties and municipalities as the Lieutenant-Governor in Council may be pleased to signify. Province divided into three sections.

4. The Lieutenant-Governor in Council shall appoint during pleasure an Inspector of Anatomy for each such section, and may appoint a Local Inspector of Anatomy for each county or municipality within such section, but the Inspector of Anatomy may be the Local Inspector in the place where he is resident. Neither the Inspector nor the Local Inspector shall be a medical man, nor in any way connected with the public teaching of anatomy. Lieutenant-Governor to appoint Inspectors.

5. Every superintendent, warden or keeper, or director of any public institution so receiving public money as aforesaid, in which any person under his charge may die, shall immediately after the death notify the relatives of deceased, if known to him, and shall ~~and~~ within *twenty-four* hours of such death notify the Inspector or Local Inspectors of Anatomy of such death. Superintendents of public institutions to give notice of deaths in the same.

6. It shall be the duty of the Inspector of Anatomy—

(a) To receive from the Local Inspector, or from the municipality in which he resides, the bodies of deceased persons specified in section *two* of this Act. Duties of Inspectors.

(b) To keep a register of the name, age, birth-place, sex, ~~and~~ religious denomination, if any, ~~and~~ date of receiving, and such other particulars (if name, age, birth-place are unknown) as may assist in establishing identity, and said register shall be open to inspection.

5

(c) To keep a register of places where human anatomy is publicly taught.

(d) To make to such places an impartial distribution of bodies received by him under the *provisions* of this Act, in proportion to the number of persons actually engaged in the study 10 of human anatomy.

(e) To grant certificates authorizing the study of human anatomy in such places as to him may seem proper.

(f) To inspect *each such* place from time to time, and to certify in a book to be provided by the owners or occupiers 15 of such place, the condition in which it was found, together with the date and hour of *inspection*.

Duties of  
Local In-  
spectors.

7. It shall be the duty of the Local Inspectors—

(a) To forthwith transmit to the Inspector of his section, any notice which he shall have received of persons referred to 20 in section *two* of this Act, with date of such reception, as well as the body which he may have received or taken.

(b) To deliver the body to the Inspector of his section only, under the penalty hereafter provided.

Payment of  
Inspectors.

8. The Inspector shall pay to the Local Inspector five dol- 25 lars over and above necessary expenses and cost of transport of every body so received, and the Inspector shall be paid by the party or parties so receiving bodies for anatomical purposes, two dollars and a-half over and above the sum paid to the Local Inspector, as well as the necessary expenses connected 30 with the conveyance of said body to the dissecting rooms.

Bodies not to  
be sent by  
Local In-  
spectors from  
April 1 to  
October 1.

9. (1) Bodies shall not be sent to the Inspector of Anatomy from Local Inspectors between the first day of April and the first day of October of each year *unless applied for*, nor shall bodies *so* mutilated from any cause or *so decomposed* as not to 35 serve the purpose of this Act, be sent or paid for.

(2) Persons dying of infectious or contagious diseases, shall not be included in section *two* of this Act.

Penalties.

10. A fine of fifty dollars for each offence shall be imposed on an Inspector who fails to comply with the provisions of 40 this Act, and a fine of twenty dollars for each offence shall be imposed on a Local Inspector, ~~and~~ Superintendent, Warden, or keeper or director of any public institution, or Coroner; ~~and~~ and all offences shall be tried summarily by a Police Magistrate or County Judge, on complaint, under oath, of any aggrieved 45 person.

Interment of  
remains.

11. After dissection the remains shall be decently interred.





BILL.

An Act respecting the Study of Anatomy.

First Reading,	13th March,	1884.
Second    "	19th       "	1884.

*(Reprinted as amended by Select  
Committee.)*

Mr. McLAUGHLIN.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting Supplementary Licenses to Mutual Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where a Mutual Fire Insurance Company has in terms  
 5 of section 8 of the *Mutual Fire Insurance Companies' Act*,  
*1881*, deposited with the Provincial Treasurer satisfactory evi-  
 dence of a guarantee capital of 50,000 dollars at the least,  
 or has complied with the provisions of section 15 of the same  
 Act, it shall, under such regulations as the Lieutenant-Governor  
 10 in Council from time to time approve, be lawful for the Pro-  
 vincial Treasurer to issue to the company a license qualifying  
 the company to undertake other branches of insurance, except  
 life or accident insurance; but for every additional kind of in-  
 surance, there shall be required such additional deposit, or  
 15 satisfactory evidence of such additional guarantee capital, as  
 the said regulations shall prescribe, and such license or licen-  
 ses shall be subject to the provisions of the seventh section of  
 the said Act.

2. For every such license there shall be paid to the Provin-  
 20 cial Treasurer a fee of twenty dollars, and for every annual  
 renewal ten dollars, and for a renewal after suspension or can-  
 cellation twenty dollars.

Supplement-  
 ary licenses.  
 44 V. c. 20,  
 s. 8.

Fees for sup-  
 plementary  
 licenses.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act respecting Supplementary Licences to Mutual Insurance Companies.

First Reading, 14th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.



An Act to define the limits of the Districts of Algoma, Muskoka, Parry Sound and Nipissing, and of the County of Renfrew.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The temporary judicial district of Nipissing shall consist of the townships of

Temporary  
judicial district of  
Nipissing.

- |    |                |                  |
|----|----------------|------------------|
|    | 1. Airey,      | 23. Hugel,       |
|    | 2. Appleby,    | 24. Hunter,      |
|    | 3. Awrey,      | 25. Kirkpatrick, |
| 10 | 4. Badgerow,   | 26. Lauder,      |
|    | 5. Ballantyne, | 27. Lyell,       |
|    | 6. Biggar,     | 28. Mattawan,    |
|    | 7. Bonfield,   | 29. McCraney,    |
|    | 8. Boulter,    | 30. McKim,       |
|    | 9. Boyd,       | 31. McLaughlin,  |
| 15 | 10. Butt,      | 32. Murchison,   |
|    | 11. Caldwell,  | 33. Neelon,      |
|    | 12. Calvin,    | 34. Osler,       |
|    | 13. Canisbay,  | 35. Papineau,    |
|    | 14. Chisholm,  | 36. Paxton,      |
| 20 | 15. Devine,    | 37. Peck,        |
|    | 16. Dryden,    | 38. Pentland,    |
|    | 17. Dunnet,    | 39. Ratter,      |
|    | 18. Ferris,    | 40. Robinson,    |
|    | 19. Field,     | 41. Sabine,      |
| 25 | 20. Finlayson, | 42. Springer,    |
|    | 21. Hagar,     | 43. Widdifield,  |
|    | 22. Hawley,    | 44. Wilkes.      |

Together with any other territory included within the following description:—Commencing at the water's edge of the Georgian Bay, near the most westerly mouth of French river, in the production southerly of the east limit of the township of Humboldt; thence due north along a line formed by said produced limit, the east limit of said township of Humboldt, the limit between timber berths numbered 59 and 67, 60 and 68, 61 and 69 and along the east limits of the townships of Waters and Snider, and continuing due north to the northerly limit of the Province; thence along the said northerly limit of the Province easterly to the boundary between Ontario and Quebec; thence along the said boundary between Ontario and Quebec southerly and south-easterly to the north-west corner of the township of Clara; thence southerly and easterly along

the westerly and southerly boundaries of the townships of Clara, Maria and Head to the westerly boundary of the township of Rolph; thence southerly along the westerly boundaries of the townships of Rolph, Wylie, McKay and Fraser to the north-east corner of the township of Richards; 5 thence westerly along the northerly boundaries of the townships of Richards and Burns to the north-west corner of the said township of Burns; thence southerly along the westerly boundary of Burns to the north-east corner of the township of Jones; thence westerly along the 10 northerly boundary of Jones to the north-east corner of the township of Lyell; thence southerly along the easterly boundary of Lyell to the south-east corner of Lyell; thence westerly along the southerly boundaries of the townships of Lyell and Sabine to the easterly boundary of the township of Clyde; thence 15 northerly along the easterly boundaries of the townships of Clyde and Nightingale to the north-east corner of the township of Nightingale; thence westerly along the northerly boundaries of the townships of Nightingale, Lawrence, Livingstone and McClintock to the easterly boundary of the township of Sinclair; 20 thence northerly along the easterly boundary of Sinclair to the southerly boundary of the township of Bethune; thence easterly to the south-east corner of Bethune; thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier, to the south boundary of the town- 25 ship of Himsworth; thence along the southerly and easterly boundaries of Himsworth to the north-east corner of Himsworth; thence westerly along the northerly boundary of Himsworth to Lake Nipissing; thence westerly along the main channel of said lake and along the main channel of French 30 river, and along the channel which runs north of the more northerly of the two islands on which the town plot of Coponaning has been laid out, to a point where the waters divide into the North channel and the Bad River channel; thence to the northern shore of the North channel; thence along the said 35 northern shore and the waters' edge of the Georgian Bay to the place of beginning.

Territorial  
district of  
Muskoka.

2. The territorial district of Muskoka shall consist of the townships of

1. Baxter	12. Monck,	40
2. Brunel,	13. Morrison,	
3. Cardwell,	14. Muskoka,	
4. Chaffey,	15. Oakley,	
5. Draper,	16. Ridout,	
6. Franklin,	17. Ryde,	45
7. Freeman,	18. Sinclair,	
8. Gibson,	19. Stephenson,	
9. Macaulay,	20. Stisted,	
10. McLean,	21. Watt,	
11. Medora,	22. Wood.	50

And the villages of Bracebridge and Gravenhurst, together with the islands in the Georgian Bay lying west of the said territory and adjacent thereto, and the islands in the River Severn lying northerly of the middle of the main channel of the River Severn and adjacent to the townships of Baxter, Wood 55 and Morrison.

3. The territorial district of Parry Sound shall consist of the townships of

Territorial  
district of  
Parry Sound.

- |    |                |                 |
|----|----------------|-----------------|
|    | 1. Armour,     | 23. Laurier,    |
|    | 2. Bethune,    | 24. Lount,      |
| 5  | 3. Blair,      | 25. Machar,     |
|    | 4. Brown,      | 26. Mills,      |
|    | 5. Burpee,     | 27. McConkey,   |
|    | 6. Burton,     | 28. McDougall,  |
|    | 7. Carling,    | 29. McKellar,   |
| 10 | 8. Chapman,    | 30. McKenzie,   |
|    | 9. Christie,   | 31. McMurrich,  |
|    | 10. Conger,    | 32. Monteith,   |
|    | 11. Cowper,    | 33. Mowat,      |
|    | 12. Croft,     | 34. Nipissing,  |
| 15 | 13. Ferguson,  | 35. Patterson,  |
|    | 14. Ferrie,    | 36. Perry,      |
|    | 15. Foley,     | 37. Pringle,    |
|    | 16. Gurd,      | 38. Proudfoot,  |
|    | 17. Hagerman,  | 39. Ryerson,    |
| 20 | 18. Hardy,     | 40. Shawanaga,  |
|    | 19. Harrison,  | 41. Spence,     |
|    | 20. Himsworth, | 42. Strong,     |
|    | 21. Humphry,   | 43. Wallbridge, |
|    | 22. Joly,      | 44. Wilson.     |

- 25 Together with any other territory included within the following description, that is to say:—Commencing at a point where the southerly boundary of the township of Conger intersects the waters of the Georgian Bay, being the south-west corner of the Township of Conger; thence easterly along
- 30 the southerly boundary of the townships of Conger and Humphry to the south-east corner of the township of Humphry; thence northerly along the easterly boundary of Humphry to the north-east corner of Humphry; thence easterly along the southerly boundaries of the townships of
- 35 Monteith, McMurrich, Perry and Bethune to the south-east corner of Bethune; thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier to the south boundary of the township of Himsworth; thence along the south and east boundaries of Himsworth to
- 40 the north-east corner of Himsworth; thence westerly along the northerly boundary of Himsworth to Lake Nipissing; thence westerly along the main channel of said lake, and along the main channel of French river, and along the southerly boundary of the District of Nipissing to where the westerly
- 45 boundary of the said District of Nipissing strikes the water's edge of the Georgian Bay; thence south-easterly along the easterly shore of the said Georgian Bay to the place of beginning, including Parry Island and the islands opposite to and along the shore of the said district.

- 50 4. The county of Renfrew shall, for municipal and judicial purposes, consist of the townships of

County of  
Renfrew.

- |    |                   |                |
|----|-------------------|----------------|
|    | 1. Admaston,      | 5. Bagot,      |
|    | 2. Algona, North, | 6. Blithfield, |
|    | 3. Algona, South, | 7. Bromley,    |
| 55 | 4. Alice,         | 8. Brougham,   |



9. Brudenell,  
10. Buchanan,  
11. Burns,  
12. Clara,  
13. Fraser,  
14. Grattan,  
15. Griffith,  
16. Hagarty,  
17. Head,  
18. Horton,  
19. Jones,  
20. Lyndoch,  
21. Maria,  
22. Matawatchan.  
23. McKay,

24. McNab,  
25. Pembroke,  
26. Petewawa.  
27. Radcliffe,  
28. Raglan,  
29. Richards,  
30. Rolph,  
31. Ross,  
32. Sebastopol,  
33. Sherwood,  
34. Stafford,  
35. Westmeath,  
36. Wilberforce,  
37. Wylie,

5

10

15

And the Villages of—

1. Arnprior,

2. Pembroke,

3. Renfrew.

Easterly limit  
of provisional  
judicial dis-  
trict of  
Algoma.

5. Subject to the authority of the Lieutenant-Governor by proclamation to alter the limits of the said district of Nipissing or of the district of Algoma, and subject to the provisions of section 2 of the Act passed in the forty-third year of Her Majesty's reign, chapter 12, the westerly limit of Nipissing as above defined shall be the easterly boundary of the provisional judicial district of Algoma. (*Vide* R. S. O., c. 7, sec. 28; R. S. O., c. 90, secs. 1, 2, 29 and 30; 43 Vic., c. 12, sec. 3.. 25

Descriptions  
of districts of  
Muskoka,  
Parry Sound  
and Nipissing,  
substituted  
for those in  
R.S.O., cc.  
5 & 7.

6. The above descriptions of the said districts of Muskoka and Parry Sound shall be substituted for the descriptions of the said districts contained in the Revised Statutes of Ontario, chapters 5 and 7; and the above description of the said district of Nipissing shall be substituted for that contained in the said Revised Statute, chapter 5. 30

Electoral dis-  
trict of Mus-  
koka and  
Parry Sound.

7. The districts of Muskoka and Parry Sound, as above defined, shall together constitute the electoral district of Muskoka and Parry Sound.

Eastern bound-  
ary of provi-  
sional judicial  
district of  
Algoma to be  
easterly bound-  
ary of elec-  
toral district.

8. The said easterly boundary of the provisional judicial district of Algoma shall also be the easterly boundary of the electoral district of Algoma, and such territory (if any) as is by this Act added to the provisional judicial district of Algoma is also added to the electoral district of Algoma. 35

Authority of  
Lieutenant-  
Governor  
under R.S.O.,  
c. 7, s. 28, not  
affected.

9. Nothing in this Act contained shall affect the authority of the Lieutenant-Governor in Council under section 28 of the said Revised Statutes, chapter 7. 40





1st Session, 5th Legislature, 47 Vic, 1884.

BILL.

An Act to define the limits of the Districts of Algoma, Muskoka, Parry Sound and Nipissing, and of the County of Renfrew.

First Reading, 18th March, 1884.

THE ATTORNEY-GENERAL.

TORONTO

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

# An Act for the relief of certain Deputy Returning Officers.

WHEREAS, at the last general election for members to re- Preamble.  
 present the district of Algoma, and the districts of Mus-  
 koka and Parry Sound, in the Legislative Assembly, there were no  
 voters' lists in Algoma, and none in parts of Muskoka and Parry  
 5 Sound, and various deputy returning officers, in the discharge  
 of their duties, acted on the supposition and belief that  
 in places for which there are no voters' lists, it was their duty  
 as deputy returning officers, to reject the votes of persons not  
 entitled to vote, and they thereby prevented many illegal votes  
 10 from being received; and whereas, it is now doubtful whether, as  
 a matter of law, the said deputy returning officers had any  
 right to reject the vote of any man claiming to vote and  
 willing to take the prescribed oath; and the said officers, though  
 acting in good faith, may be exposed to actions for penalties  
 15 by common informers and others; and it is unjust that they  
 should be liable thereto;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

20 1. In any action which may be brought, or which is now  
 pending, against any person who, at such election, in a place  
 where there was no voting list, acted as a deputy returning  
 officer, for rejecting the vote of any person claiming to vote,  
 the plaintiff shall not be entitled to a verdict unless upon proof  
 25 that the deputy returning officer rejected the vote of such per-  
 son in bad faith and with the knowledge and belief that such  
 person was entitled to vote at the polling place at which such  
 officer acted; and this defence may be made at the trial with-  
 out being set up by answer or otherwise.

Deputy re-  
turning officer  
who rejected  
vote in good  
faith not liable  
to penalty.

30 2. The plaintiff in any such action shall not recover unless  
 he proves that the person whose vote was rejected (whether the  
 plaintiff or any other person), had a right to vote, and had  
 declared to the deputy returning officer such short descrip-  
 tion of the property as enabled its identity to be understood or  
 35 ascertained therefrom, and the other particulars required by  
 section 92 of "*The Election Act*" to be declared.

Proof required  
to support  
action.

3. This Act shall not apply to a certain suit brought in the  
 Queen's Bench Division of the High Court by one Walton  
 against one Apjohn, unless the verdict recovered by the said  
 40 Walton in the said suit is set aside upon the ground that the  
 judgment of the judges of the said division is erroneous.

Act not to  
apply to suit  
of Walton v.  
Apjohn.

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act for the relief of certain Deputy  
Returning Officers.

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First Reading, 21st March, 1884.

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MR. WIDDIFIELD.

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TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.



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No. 138.]

## BILL.

[1884

An Act to amend the Timber Slide Companies' Act  
of 1881.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Section 15 of "*The Timber Slide Companies' Act of 1881*" <sup>44 Vic., c. 19,</sup>  
is hereby amended by substituting for the words "except as <sup>s. 15 amended.</sup>  
hereinafter provided," in said section, the words "except as is  
provided in the said Revised Statute, chapter 153."

1st Session, 5th Legislature, 47 Vic., 1884.

BILL.

An Act to amend the Timber Companies' Act of 1881.

First Reading,	24th	March,	1884.
Second	"	24th	" 1884.
Third	"	24th	" 1884.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-four, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the <sup>Preamble.</sup>  
Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that  
5 the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-four; may it therefore please Your Majesty that it may  
10 be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not ex-  
15 ceeding in the whole) of two million eight hundred and ninety-one thousand five hundred and fifty-two dollars and twenty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-four, as set forth in schedule A  
20 to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-five, as set forth in schedule B to this Act.

granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

25 2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Accounts to be  
laid before the  
Legislature.

30 2. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be un- expended on the thirty-first day of December, one thousand eight hundred and eighty-four, shall not be expended there- after, except in the payment of accounts and expenses incurred on or prior to the said day, and all balances remaining unex-  
35 pended after the twentieth day of January next shall lapse and be written off.

Unexpended  
moneys.

4. The due application of all moneys expended under this Expenditure

Act out of the Consolidated Revenue shall be accounted for to Her Majesty. to be accounted for to Her Majesty.

### SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-four, and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House.....	\$ 1,750 00	
Lieutenant-Governor's Office .....	3,980 00	
Executive Council and Attorney-General's Office .....	14,688 34	
Education Department .....	20,679 00	
Crown Lands Department.....	46,410 00	
Department of Public Works .....	17,880 00	
Treasury Department.....	17,610 00	
Department of Agriculture .....	1,400 00	
Inspection of Public Institutions .....	9,075 00	
Secretary and Registrar's Department .....	28,025 00	
Department of Immigration .....	1,600 00	
Miscellaneous .....	16,700 00	
	<hr/>	\$179,797 34

#### LEGISLATION.

To defray expenses for Legislation ..... \$112,350 00

#### ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$ 55,319 00	
Miscellaneous — Criminal and Civil Justice..	247,650 00	
Surrogate Judges .....	16,032 00	
	<hr/>	\$319,001 00

#### EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships.....	20,000 00	
Inspection of Public and Separate Schools .....	37,427 00	
Collegiate Institutes and High Schools.....	85,500 00	
Inspection of Normal and High Schools.....	6,200 00	
Training of Public School Teachers.....	14,673 00	
Departmental Examinations.....	8,148 00	
Superannuated High and Public School Teachers	52,000 00	
Normal and Model Schools, Toronto.....	22,086 21	
Normal School, Ottawa.....	19,119 67	
Museum and Library .....	8,031 00	
School of Practical Science.....	5,975 00	
Miscellaneous Expenses of Education .....	2,540 00	
	<hr/>	\$521,699 88



## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$ 92,911 00	
Asylum for the Insane, London.....	125,978 00	
Asylum for the Insane, Kingston.....	59,908 00	
Asylum for the Insane, Hamilton.....	69,911 00	
Asylum for the Insane, Orillia.....	28,914 00	
Provincial Reformatory, Penetanguishene ....	38,910 00	
Central Prison, Toronto.....	73,155 00	
Institution for the Deaf and Dumb, Belleville..	39,849 00	
Institution for the Blind, Brantford.....	34,036 00	
Mercer Reformatory for Females.....	31,582 00	
	<hr/>	\$595,154 00

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$31,950 00

## AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Agriculture .....	\$146,340 00	
Arts .....	30,500 00	
Literary and Scientific .....	1,350 00	
	<hr/>	\$178,190 00

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and  
 Charities ..... 93,944 18

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

To defray expenses of maintenance and repairs ..... 38,090 00

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto.....	3,618 00
Asylum for the Insane, London.....	9,000 00
Asylum for the Insane, Hamilton .....	30,550 00
Asylum for the Insane, Kingston .....	29,360 00
Asylum for Idiots, Orillia.....	13,100 00
Reformatory, Penetanguishene .....	7,025 00
Reformatory for Females, Toronto.....	7,769 17
Central Prison, Toronto .....	50,374 98
Deaf and Dumb Institute, Belleville .....	4,400 00
Blind Institute, Brantford .....	7,220 50
School of Agriculture, Guelph.....	6,600 00
Normal School and Education Office, Toronto ..	2,500 00
Normal School, Ottawa .....	1,500 00
School of Practical Science, Toronto .....	3,150 00
Osgoode Hall, Toronto.....	33,300 00
Government House, Toronto .....	4,500 00
Parliament Buildings .....	5,000 00
District of Algoma .....	500 00

Thunder Bay District .....	8,750 00	
Nipissing District.....	150 00	
Parry Sound District .....	250 00	
Muskoka District.....	2,500 00	
Unorganized Territory.....	1,642 00	
Miscellaneous .....	950 00	
		<hr/> \$233,709 65

## PUBLIC WORKS.

To defray expenses of Public Works.....	52,965 00
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## COLONIZATION ROADS.

To defray expenses of Construction and Repairs.....	122,550 00
"    "    of previous years .....	36,596 52

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	97,148 74
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## REFUNDS.

To defray the expenses of the Refund Accounts .....	43,107 00
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## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	64,003 50
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## UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses..	50,000 00	
To cover sundry unforeseen expenses of 1883..	91,295 42	
		<hr/> 141,295 42

Total Estimate for 1884..... 2,861,552 23

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-five, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1885 .....	30,000 00
	<hr/> \$2,891,552 23



An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-four, and for other purposes therein mentioned.

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First Reading,

1884.

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Mr. Ross (*Huron.*)

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